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Transcript of Hearing

Date: June 14, 2024

Case: Glenmont Forest Investors (LMA H-149)

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Transcript of Hearing
Conducted on June 14, 2024

<p style="text-align: center;">1</p> <p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----</p> <p>4 GLENMONT FOREST INVESTORS, : : Case No. LMA H-149 5 Applicant : 6 -----</p> <p>7 Administrative Hearing</p> <p>8 Before Hearing Examiner Kathleen Byrne</p> <p>9 Friday, June 14, 2024</p> <p>10 9:30 a.m. EST</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job No.: 528009</p> <p>24 Pages: 1-293</p> <p>25 Reported by: Jamie Ogihara</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">C O N T E N T S</p> <p>2 REMARKS BY: PAGE</p> <p>3 Hearing Examiner Byrne 6</p> <p>4 INTRODUCTION OF PARTIES: 7</p> <p>5 CONTINUED REMARKS BY:</p> <p>6 Hearing Examiner Byrne 11</p> <p>7 OPENING STATEMENT BY:</p> <p>8 Elizabeth Rogers 14</p> <p>9 TESTIMONY OF APPLICANT'S WITNESS:</p> <p>10 Brian Alford 20</p> <p>11 Steve Allison 27</p> <p>12 Matthew Leakan 54</p> <p>13 Randall Rentfro 115</p> <p>14 Anne Randall 142</p> <p>15 TESTIMONY OF COMMUNITY MEMBERS:</p> <p>16 Leopoldo Villegas 187</p> <p>17 Beverly O'Brien 193</p> <p>18 Cecilia Castro de Anderson 195</p> <p>19 Lindsay Roe 206</p> <p>20 Richard Takamoto 214</p> <p>21 Vicki Vergagni 218</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: center;">2</p> <p>1 Administrative Hearing held pursuant to</p> <p>2 agreement, before Jamie Ogihara, Notary Public of</p> <p>3 Washington, D.C.</p> <p>4</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>6 ON BEHALF OF APPLICANT:</p> <p>7 STEVEN A. ROBINS, ESQUIRE</p> <p>8 ELIZABETH C. ROGERS, ESQUIRE</p> <p>9 LERCH, EARLY & BREWER, CHARTERED</p> <p>10 3 Bethesda Metro Center, Suite 460</p> <p>11 Bethesda, Maryland 20814</p> <p>12 (301) 657-0747</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">C O N T E N T S (CONT'D.)</p> <p>2 REBUTTAL TESTIMONY OF APPLICANT'S WITNESSES:</p> <p>3 Anne Randall 241</p> <p>4 Matthew Leakan 260</p> <p>5 Randall Rentfro 271</p> <p>6 Steve Allison 278</p> <p>7 CLOSING REMARKS BY:</p> <p>8 Hearing Officer Byrne 280</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: center;">5</p> <p style="text-align: center;">E X H I B I T S</p> <p>(Marked and Retained by the Hearing Examiner.)</p> <p>No. 40 (Local Area Transportation Review)</p> <p>No. 43 (Sight Distance Evaluation for Street A at Randolph Road)</p> <p>No. 44 (Sight Distance Exhibit)</p> <p>No. 47 (Hearing Presentation from Elizabeth Rogers)</p> <p>No. 50 (Letter of Opposition from Jan-Paul Kopinski)</p> <p>No. 51 (Letter of Opposition from Etienne Marcoux)</p> <p>No. 52 (Letter of Opposition from Seven Community Members)</p> <p>No. 54 (Letter of Opposition from Cecilia Castro de Anderson)</p> <p>No. 57 (Affidavit of Posting)</p> <p>No. 58 (Declaration of Covenants)</p> <p>No. 59 (Approved Forest Conservation Plan)</p> <p>No. 60 (Set of Four Drainage Area Pictures)</p> <p>No. 61 (Existing Drainage Area Map)</p> <p>No. 62 (Proposed Drainage Area Map)</p> <p>No. 63 (Letter of Opposition from Richard Takamoto)</p> <p>No. 64 (Letter of Opposition from James Johnson)</p> <p>No. 65 (Cover Letter from Vicki Vergagni)</p> <p>No. 66 (Testimony of Vicki Vergagni)</p>	<p style="text-align: right;">7</p> <p>-- on the application submitted pursuant to criteria set forth for local map amendments in Article 59, Section 7.2.1.</p> <p>If you disagree with my decision you -- okay. I'm sorry. This is the wrong thing, but basically what happens, if you disagree with my decision you have 10 days to state to the district council that you wish to testify because after my decision is rendered the report and recommendation goes to the district council in order for them via a public hearing to move forward.</p> <p>It is 45 days for me to render my decision. The hearing will remain open for a period of time in order for the court reporter to generate a transcript, or if at the end of the hearing I deem we need additional time for documents to come in the record may remain open for that period of time.</p> <p>All right. So we're going to do a little bit of housekeeping here for Zoom, so I want to make sure that -- well, the first thing we're going to do is we're going to identify the parties, so we'll start with the applicant.</p> <p>ELIZABETH ROGERS: Good morning. Elizabeth Rogers with the law firm of Lerch, Early</p>
<p style="text-align: center;">6</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>HEARING EXAMINER BYRNE: Good morning, everyone. My name is Katie Byrne, and I'm the hearing examiner assigned to this matter today. We're here for the Local Map Amendment request H-149, Glenmont Forest. We have -- our Zoom tech operator is ready, our court reporter is ready, and we'll start on the record.</p> <p>Again this is a public hearing for a Local Map Amendment request submitted by the applicant, Glenmont Forest Investors LP, for a rezoning from an R-30 multifamily zone to the CF commercial residential floating zone, CRF-1.75, C-.25, R-1.5, H-75, the optional method for a property located at the northeast corner of the intersection of Georgia Avenue and Randolph Road also known as Americana Glenmont Subdivision and the Americana Glenmont Apartment Division.</p> <p>The property consists of approximately 34.87 acres. This hearing is being conducted in a hybrid format which means individuals can participate here in person or also on Zoom. Today I'm going to listen to testimony, review evidence and render a report and recommendation for submittal to the district council on application</p>	<p style="text-align: right;">8</p> <p>& Brewer on behalf of the applicant.</p> <p>STEVEN ROBINS: And good morning. Steve Robins with Lerch, Early & Brewer on behalf of the applicant as well.</p> <p>HEARING EXAMINER BYRNE: Thank you.</p> <p>STEVEN ROBINS: Thank you.</p> <p>HEARING EXAMINER BYRNE: Let's see. Do you have the applicant here today, and if you could identify who will be testifying?</p> <p>ELIZABETH ROGERS: Sure, yeah. We have several representatives of the applicant. Those that will be testifying today are Brian Alford with Grady Management on behalf of the applicant, and then we have Steve Allison and Matt Leakan and Randall Rentfro with Rodgers Consulting who will be testifying on behalf of the applicant as landscape architect, civil engineers and land planners, and then Nancy Randall, and Nancy Randall with Wells + Associates will be testifying as a transportation consultant.</p> <p>HEARING EXAMINER BYRNE: Okay. Thank you. And can I see a show of hands of those here in the hearing room that are going -- that wish to testify in opposition to the application? All right. So I see three. Thank you. And at this</p>

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<p>1 point what we're going to do, I'm going to ask 2 Jake, our Zoom operator, to go through each 3 individual who is present on Zoom. 4 I would ask that you unmute -- turn 5 your camera on, unmute yourself, identify 6 yourself, and then tell me if you're here in 7 support or in opposition of the application. So 8 we'll start one at a time. I'll ask Jake to -- 9 let's see. All right. We'll start with Linda. 10 Linda, could you -- 11 LINDA BIDLACK: Good morning. 12 HEARING EXAMINER BYRNE: Thank you. 13 LINDA BIDLACK: Yes. Linda Bidlack. 14 I'm a resident on -- a homeowner on Wallace 15 Avenue. I'm here to testify in opposition. 16 HEARING EXAMINER BYRNE: Okay. Thank 17 you. And if you wouldn't mind muting. All right. 18 Next -- I'm sorry. The glasses world is tough for 19 me. It looks like Leopoldo Villegas. Did I 20 pronounce that right? Probably not. 21 LEOPOLDO VILLEGAS: No, that's okay. 22 Leopoldo Villegas. Hi. Good morning, everyone. 23 I am the homeowner from 2008 Glenallan Avenue. I 24 am testifying in opposition of the plan, but I 25 also -- there's another neighbor here.</p>	<p>1 MIRANDA CARRINGTON: I'm unmuted now. 2 HEARING EXAMINER BYRNE: You are. 3 MIRANDA CARRINGTON: Thank you. 4 Miranda Carrington. I'm at 2032 Wallace Avenue, 5 the very last home, and I'm in opposition. 6 HEARING EXAMINER BYRNE: Okay. Thank 7 you very much. Now, if you all wouldn't mind 8 remaining muted until you are called on I would 9 appreciate that. Thank you. Is that everyone? 10 Is there a Sara Behanna? She's like the -- our 11 administrative assistant, so she's not going to -- 12 THE CLERK: There's a couple of others, 13 but I -- 14 HEARING EXAMINER BYRNE: All right. 15 THE CLERK: They're not turning on 16 their -- 17 HEARING EXAMINER BYRNE: Okay. So if 18 you're here and you're watching and you did not 19 turn on I'm making an assumption that you're only 20 here to watch and not to participate. So we have 21 -- what was that -- four essentially that are 22 going to be testifying when we get to that point. 23 All right. Thank you very much. 24 We're going to go ahead and I'm going 25 to continue a little more with my spiel. We just</p>
10	12
<p>1 HEARING EXAMINER BYRNE: Okay. And the 2 name of that neighbor? 3 LEOPOLDO VILLEGAS: Here. 4 BEVERLY O'BRIEN: Beverly O'Brien, 2012 5 Glenallan Avenue. 6 HEARING EXAMINER BYRNE: Okay. Thank 7 you, Ms. O'Brien, and if you all could also mute 8 at this time. And let's see. I guess Sara, is 9 that -- 10 SARA MONTANEZ: I guess is it me, Sara 11 Montanez? 12 HEARING EXAMINER BYRNE: Yes, yes. 13 SARA MONTANEZ: I'm a homeowner at 2012 14 Wallace Avenue. I will testify in opposition. 15 HEARING EXAMINER BYRNE: Okay. Thank 16 you. Thank you very much. And -- 17 SARA MONTANEZ: Thank you. 18 THE CLERK: Miranda. 19 HEARING EXAMINER BYRNE: Thank you. 20 Miranda, if you could unmute, let's see if we can 21 hear you. 22 THE CLERK: Do you want me to see if we 23 can -- 24 HEARING EXAMINER BYRNE: We can try to 25 --</p>	<p>1 wanted to go ahead and try that road test out a 2 little bit. As for all hearings we ask that 3 people not interrupt each other when they are 4 speaking. Okay. Cross talk is difficult for the 5 court reporter, and it's hard especially when 6 people are remote to be able to hear what's going 7 on. 8 And in addition to muting if you all 9 who are remote wouldn't mind turning your cameras 10 off because we're going to be pulling exhibits up 11 on the screen and it can get a little confusing 12 looking at faces and things on the screen as well. 13 Please note that this Zoom is not being recorded. 14 The only record transcript will be generated by 15 our court reporter. 16 The chat function also is not enabled. 17 You will not be able to share screen during this 18 process. The Zoom operator will be pulling up the 19 exhibits from our main website as you need to look 20 at them and to refer to them, and everyone should 21 be able to see it on each one of the screens here 22 and at home. You should be able to also see it on 23 Zoom. 24 Essentially our proceedings are 25 informal with certain formalities. Everything</p>

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<p style="text-align: right;">13</p> <p>1 that you say you must say under oath and you may 2 be asked questions about your testimony through 3 cross-examination. We'll start in this particular 4 order. We'll receive opening statements from the 5 applicant. A question for the opposition, is 6 there an attorney that represents, or each one of 7 you are speaking individually on your own behalf? 8 I'll start with -- I'll start here. 9 UNIDENTIFIED MALE SPEAKER: Individual. 10 HEARING EXAMINER BYRNE: Individual. 11 Okay. Just making sure. Thank you. So the 12 opening statement from the applicant, then the 13 appellant will go first with its factual case. At 14 that point I will then call each one of you who 15 wish to testify in opposition. You will have an 16 opportunity to say why you're in opposition and 17 present any evidence. 18 Let's see. The appellant or the 19 applicant will have essentially the last word to 20 provide any rebuttal testimony. Has everyone -- 21 have you had an opportunity to take a look at the 22 exhibit list, is there any objection to anything 23 in the exhibit list? 24 ELIZABETH ROGERS: No objection. 25 HEARING EXAMINER BYRNE: All right.</p>	<p style="text-align: right;">15</p> <p>1 also to provide the original hard copy to you 2 today? 3 HEARING EXAMINER BYRNE: That's all 4 right. So what we'll do is we'll go ahead and add 5 that to the exhibit list as Exhibit 57 for the 6 affidavit of posting. 7 ELIZABETH ROGERS: And while we're on 8 the exhibit list we also had just one other 9 clarification. We have the covenants. Those were 10 in the exhibits as Exhibit 3. 11 HEARING EXAMINER BYRNE: Uh-huh. 12 ELIZABETH ROGERS: We just noticed as 13 we were preparing for the hearing that the binding 14 elements hadn't been updated to reflect those that 15 are on the latest floating zone plan and in 16 staff's report. 17 HEARING EXAMINER BYRNE: Okay. 18 ELIZABETH ROGERS: So we have a new 19 copy -- 20 HEARING EXAMINER BYRNE: All right. 21 ELIZABETH ROGERS: -- that correctly 22 lists those. 23 HEARING EXAMINER BYRNE: All right. So 24 we'll do Exhibit 8, updated declaration of 25 covenants.</p>
<p style="text-align: right;">14</p> <p>1 Thank you. And then an opportunity for closing 2 statement. Let's see. Cross-examination is your 3 opportunity only to ask questions about witness 4 testimony. It's not your turn to testify. You'll 5 be able to testify at another time in this 6 hearing. 7 Approval is based on the criteria as I 8 said earlier in Section 7.2.1 under the Local Map 9 Amendment. All right. So with all of our 10 housekeeping duties out of the way we'll go ahead 11 and start with an opening statement from the 12 applicant. 13 ELIZABETH ROGERS: Great. Good 14 morning. Again for the record Elizabeth Rogers 15 with the Law Firm of Lerch, Early & Brewer. It's 16 a pleasure to be here today on behalf of the 17 applicant, Glenmont Forest Investors Limited 18 Partnership. With me here today is cocounsel, is 19 my colleague Steven Robins. 20 As a procedural matter we have E-mailed 21 the affidavit of posting to OZAH with the initial 22 application submittal. I didn't see it in the 23 exhibit list. 24 HEARING EXAMINER BYRNE: Okay. 25 ELIZABETH ROGERS: Would you like us</p>	<p style="text-align: right;">16</p> <p>1 ELIZABETH ROGERS: Thank you. It was 2 here last night, too, but just so you have them. 3 HEARING EXAMINER BYRNE: Awesome. 4 Thank you. 5 ELIZABETH ROGERS: Great. So we've put 6 together a PowerPoint presentation today which is 7 in the record as Exhibit 47 that has all of the 8 plans that we expect that our witnesses will need 9 to testify to just to provide ease of reference 10 during the hearing. 11 Most of the slides are reproductions or 12 enlargements of exhibits that are in the record 13 and they're noted as such. There's only a few 14 that are new exhibits, and we'll note those when 15 we get to them so that we can ask that they 16 formally be admitted into the record as separate 17 exhibits. 18 HEARING EXAMINER BYRNE: Okay. 19 Thank you. 20 ELIZABETH ROGERS: As the hearing 21 examiner is aware from our application materials, 22 the applicant is here today to request approval of 23 a Local Map Amendment rezoned the Glenmont Forest 24 Apartments, a property that's located at 2300 25 Glenmont Circle in Silver Spring from the R-30</p>

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<p>17</p> <p>1 multifamily zone to the commercial residential 2 Floating zone CRF-1.75, C-.25, R-1.5, H-75 feet to 3 allow for the redevelopment of this aging, 4 underutilized garden apartment complex into a more 5 modern mixed use but predominantly residential 6 development containing up to 2,275 units and up to 7 5,000 square feet of nonresidential uses. 8 The applicant has paid particular 9 attention to ensuring the compatibility of this 10 project in its design with the surrounding 11 community and has worked closely with technical 12 staff from the Montgomery County Planning 13 Department to accomplish this goal. The 14 Montgomery County Planning Board reviewed and 15 voted to recommend approval of the Local Map 16 Amendment at their regularly scheduled meeting on 17 May 30th. 18 The planning board was very supportive 19 of this application, even having a lot of 20 discussion during the hearing about ways to make 21 this process even more streamlined for the 22 applicant to navigate in order to provide this 23 additional housing at this desirable location in 24 Glenmont within walking distance of the metro. 25 The planning board's transmittal letter is in the</p>	<p>19</p> <p>1 call Brian Alford with Grady Management as a 2 representative of the applicant. Next we will 3 call Steve Allison with Rodgers Consulting, a 4 landscape architect and certified arborist, then 5 we will be calling Matt Leakan with Rodgers 6 Consulting as our land planner. 7 Fourth we'll be calling Randall Rentfro 8 with Rodgers Consulting as our civil engineer, and 9 last but not least calling Nancy Randall with 10 Wells + Associates as our transportation planner, 11 and with that unless the zoning hearing examiner 12 has any additional questions we're ready to call 13 our first witness. 14 HEARING EXAMINER BYRNE: No, you can go 15 ahead and call your first witness. 16 STEVEN ROBINS: Okay. Good morning. 17 Our first witness will be Brian Alford, and just 18 you need to hit the mic. 19 HEARING EXAMINER BYRNE: Before we 20 start I would ask is anyone on Zoom, are you 21 hearing okay, is there any feedback? 22 LEOPOLDO VILLEGAS: We're hearing okay, 23 ma'am. 24 HEARING EXAMINER BYRNE: Thank you. 25 STEVEN ROBINS: Okay.</p>
<p>18</p> <p>1 record at Exhibit 46. 2 Over the past year the applicant has 3 engaged in meaningful and extensive discussions 4 with staff, and we voluntarily presented the 5 application to the Glenmont Exchange, which is a 6 nonprofit neighborhood organization that covers 7 the Glenmont area. 8 Through our witnesses today we will 9 demonstrate among other things that the Local Map 10 Amendment application satisfies the standards, 11 requirements and findings that the district 12 council must make to approve the Local Map 13 Amendment, that the application meets the 14 development standards, purposes and requirements 15 of the commercial residential floating zone, that 16 public facilities are more than adequate to serve 17 the proposed development, that the application 18 substantially conforms with the goals and 19 recommendations of the Glenmont Sector Plan, and 20 that the rezoning and proposed development is 21 appropriate for this property, it's in the public 22 interests, and it's compatible with its 23 surroundings. 24 As I mentioned, we will be calling five 25 witnesses in the following order: We will first</p>	<p>20</p> <p>1 HEARING EXAMINER BYRNE: Good morning. 2 If you could raise your right hand, please. Do 3 you promise to tell the whole truth and nothing 4 but the truth? 5 BRIAN ALFORD: I do. 6 HEARING EXAMINER BYRNE: Thank you. 7 BRIAN ALFORD: Thank you. 8 HEARING EXAMINER BYRNE: And if you 9 could state and spell your full name for the 10 record. 11 BRIAN ALFORD: Sure. 12 STEVEN ROBINS: That was my first 13 question. 14 BRIAN ALFORD: Brian Alford, B-R-I-A-N, 15 Alford, A-L-F-O-R-D, president and chairman of the 16 board for Grady Management, Incorporated. The 17 office is located at 8630 Fenton Street, Suite 18 625, Silver Spring, Maryland. 19 HEARING EXAMINER BYRNE: Thank you. 20 STEVEN ROBINS: And Mr. Alford, could 21 you please provide a brief description of your 22 professional background? 23 BRIAN ALFORD: Sure. I've been in the 24 property management industry for approximately 30 25 years and I have a degree in property management</p>

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<p style="text-align: right;">21</p> <p>1 from Virginia Tech. Through that career I've held 2 various positions in the property management and 3 asset management, and I've been involved with 4 different aspects of the industry. 5 I also sit on the board for AOBA as 6 well as Mid-Atlantic Affordable Housing. 7 STEVEN ROBINS: Can you just describe 8 what is AOBA? 9 BRIAN ALFORD: Apartment and Office 10 Building Association. 11 STEVEN ROBINS: Thank you. And can you 12 please provide some background on Glenmont Forest 13 Investors LP, its relationship to Grady 14 Management, and Grady Management's experience for 15 the record? 16 BRIAN ALFORD: Sure. Grady Management 17 was founded in 1965 as a family owned and operated 18 management firm that currently oversees a 19 portfolio of approximately 12,000 apartments, 2500 20 of which are located in Montgomery County. 21 Glenmont Forest was purchased in 1984 22 by Glenmont Forest Investors Limited Partnership 23 which consists of a general partner entity as well 24 as a corporation with limited partners. The 25 ownership is made up of families and individuals.</p>	<p style="text-align: right;">23</p> <p>1 with the Local Map Amendment that is before the 2 hearing examiner today? 3 BRIAN ALFORD: I'm very familiar with 4 it as I've been the direct point of contact for 5 the ownership group. 6 STEVEN ROBINS: And can you describe 7 the applicant's history with the property and why 8 you believe the site is well suited for this 9 redevelopment as proposed in the LMA? 10 BRIAN ALFORD: Yeah. The ownership 11 group of Glenmont Forest consists of families and 12 individuals that have been owners of the community 13 since 1984. Currently Glenmont Forest -- it was 14 constructed in 1962 and it currently provides 482 15 apartment homes. Given the age of the existing 16 development, the existing buildings and 17 improvements are nearing their useful life span 18 and will be in need of significant reinvestment in 19 the next coming years. 20 Given the county's goals to produce a 21 significant amount of additional housing to meet 22 the anticipated demands, the property's location 23 and close proximity to transit, we believe a 24 better use of our resources and funds would be to 25 redevelop the community in a manner that will</p>
<p style="text-align: right;">22</p> <p>1 The two larger groups would be the Grady family as 2 well as the Duffie family who have been involved 3 with the community since 1984 as owners. 4 Grady Management has managed the 5 community of Glenmont Forest for nearly 55 years 6 even though their ownership entity didn't start 7 until '84. Our largest partner in this deal going 8 forward as a developer will be Duffie Companies 9 which is also a third generation family owned and 10 operated business founded in 1953 involved in 11 residential and commercial real estate, asset 12 management, development and property management. 13 Currently the Duffie Companies are 14 working directly with HOC, Housing Opportunities 15 Commission, on three development deals in the 16 county. 17 STEVEN ROBINS: And how long have you 18 worked at Grady Management and what are your 19 responsibilities? 20 BRIAN ALFORD: I've been employed by 21 Grady Management for approximately 16 years. I 22 oversee the financial and physical operations, the 23 ownership relationship, as well as our business 24 development. 25 STEVEN ROBINS: And are you familiar</p>	<p style="text-align: right;">24</p> <p>1 allow us to bring the community into alignment 2 with the county's current goals instead of pouring 3 significant money into the existing structures. 4 STEVEN ROBINS: And are you familiar 5 with the binding elements that were part of the 6 proposed LMA and do you agree with them? 7 BRIAN ALFORD: Yes, as you will hear 8 from the other consultants the height restrictions 9 along the eastern property boundary will ensure 10 that the project is in substantial conformance 11 with the sector plan and also promotes 12 compatibility to the surrounding single family 13 homes. 14 The use restrictions are consistent 15 with the predominantly residential development and 16 we appreciate the opportunity to consider 17 providing some limited nonresidential use as part 18 of this development as well. We -- another 19 binding element is we agree to provide 15 percent 20 MPDUs even though the requirement was 12.5. 21 STEVEN ROBINS: And are you familiar 22 with the planning board's recommended conditions 23 of approval that staff presented in their staff 24 report and do you agree with them, particularly 25 condition number four?</p>

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<p style="text-align: right;">25</p> <p>1 BRIAN ALFORD: Yes, we are comfortable 2 with the conditions which are all future 3 coordination items for subsequent sketch, 4 preliminary and site plans. With respect to 5 condition number four we agreed with staff that we 6 will strive to incorporate at least 273 two 7 bedrooms and 49 three-bedroom units. This 8 certainly doesn't preclude us from developing more 9 two- and three-bedroom units, but that final unit 10 mix will be determined at the time of site plan. 11 We are also open to exploring a rental 12 agreement with the Department of Housing and 13 Community Affairs which would allow for the 14 addition of 10 percent of units at 80 percent of 15 AMI. We've had preliminary conversations with the 16 HCA on this, but it's too early to formalize an 17 agreement because that would be based on the 18 county's available funds at the time. 19 STEVEN ROBINS: And when you say AMI do 20 you mean area median income? 21 BRIAN ALFORD: Yes, area median income. 22 STEVEN ROBINS: Thank you. And what 23 are the key considerations regarding the phasing 24 of the redevelopment? 25 BRIAN ALFORD: The development will be</p>	<p style="text-align: right;">27</p> <p>1 project as it advances will assist in checking off 2 a major goal for the county. The LMA absolutely 3 is in the public's best interests. 4 STEVEN ROBINS: I have no further 5 questions, Madam Hearing Examiner. 6 HEARING EXAMINER BYRNE: Okay. Yeah, I 7 don't think I have anything right now. I think 8 you have other witnesses that might answer some of 9 my questions, but just in case I might call you 10 back so -- 11 BRIAN ALFORD: I'm not going anywhere. 12 HEARING EXAMINER BYRNE: -- stick 13 around. All right. Thank you. 14 ELIZABETH ROGERS: Our next witness 15 would be Steve Allison. 16 HEARING EXAMINER BYRNE: And Mr. 17 Allison, if you could raise your right hand. Do 18 you promise to tell the truth, the whole truth, 19 and nothing but the truth? 20 STEVE ALLISON: I do. 21 HEARING EXAMINER BYRNE: Okay. And 22 I'll ask your first question for you. If you 23 could please state your full name and spell it for 24 the record. 25 STEVE ALLISON: Sure. Steve -- I'm</p>
<p style="text-align: right;">26</p> <p>1 completed over several phases, probably several 2 years. The phasing will be finalized as we get to 3 detailed engineering and site design, with the 4 biggest consideration being how can we minimize 5 the impact on current residents which would also 6 have -- the current residents would have right of 7 first refusal either to move to those that 8 continue to exist during the redevelopment or to 9 new units as they're developed. 10 STEVEN ROBINS: Thank you. Is there 11 anything else that you would like to add? 12 BRIAN ALFORD: As long-term holders and 13 operators of Glenmont Forest we're committed to 14 ensuring that the community fulfills the needs of 15 the residents, both existing and new, as well as 16 the surrounding community. Given the county's 17 need for more housing this LMA certainly will help 18 fulfill this goal. The LMA advances the 19 redevelopment of Glenmont, a goal that the county 20 has been pursuing for many years. 21 With the completion of the red line 22 years ago and recently grade separated interchange 23 for Georgia Avenue and Randolph Glenmont will 24 truly be transformed into a vibrant area of the 25 county as projects like ours come online. This</p>	<p style="text-align: right;">28</p> <p>1 sorry. Steve Allison, S-T-E-V-E-N, and then 2 Allison, A-L-L-I-S-O-N. 3 HEARING EXAMINER BYRNE: Thank you. 4 ELIZABETH ROGERS: We're prepared to 5 begin a series of questions to -- intended to 6 qualify Mr. Allison as an expert in landscape 7 architecture and aboriculture. He's not 8 previously been qualified as an expert before 9 this. 10 HEARING EXAMINER BYRNE: Okay. Fine. 11 ELIZABETH ROGERS: Mr. Allison, you've 12 already stated your full name. Can you please 13 state your primary occupation? 14 STEVE ALLISON: I'm a registered 15 landscape architect and I'm a certified arborist. 16 I'm the team leader and division head of the 17 environmental team at Rodgers Consulting. 18 ELIZABETH ROGERS: And how long have 19 you been employed as a professional landscape 20 architect and certified arborist? 21 STEVE ALLISON: I've been practicing 22 since 2008. I'm registered with the state of 23 Maryland as a licensed landscape architect in 24 2015. I received my International Society of 25 Aboriculture certified arborist in 2015, and then</p>

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<p style="text-align: right;">29</p> <p>1 my tree risk assessment qualification of ISA 2 arboriculture in 2017. 3 ELIZABETH ROGERS: And can you please 4 briefly describe your professional and educational 5 background and any designations and accreditations 6 you've received? 7 STEVE ALLISON: Sure. I graduated in 8 2008 from West Virginia University. I'm a CLARB 9 certified landscape architect with the state of 10 Maryland as well as, as I mentioned, the ISA 11 certified arborist and a tree risk assessment 12 qualification, as well as professionally trained 13 in wetland delineation. 14 I've also had through that education an 15 opportunity to be an expert lecturer and expert 16 panelist. Over the last 10 years I've spoken 12 17 times at various conferences and universities. I 18 am also a professional member of the Society for 19 Ecological Restoration, ISA certified arborist 20 professional program where I'm a professional 21 member, and then I'm also a member of the Maryland 22 chapter of that group. 23 ELIZABETH ROGERS: And who is your 24 current employer and what's your employer's full 25 business address?</p>	<p style="text-align: right;">31</p> <p>1 Zoning and Administrative Hearings? 2 STEVE ALLISON: No. 3 ELIZABETH ROGERS: Have you qualified 4 as an expert in other jurisdictions? 5 STEVE ALLISON: Yes, in Prince George's 6 County for multiple rezoning hearings from all 7 locations. 8 ELIZABETH ROGERS: Thank you. Mr. 9 Allison's resume has been submitted with our 10 prehearing statement in the record as Exhibit 26, 11 and we would request that he be admitted as an 12 expert in landscape architecture and arboriculture. 13 HEARING EXAMINER BYRNE: Admitted. 14 ELIZABETH ROGERS: Thank you. Mr. 15 Allison, are you familiar with the Local Map 16 Amendment application which is before the hearing 17 examiner today? 18 STEVE ALLISON: Yes, I am. 19 ELIZABETH ROGERS: And can you please 20 describe your responsibilities with respect to 21 that LMA application? 22 STEVE ALLISON: Yeah, for the Local Map 23 Amendment we went ahead and did the analysis of 24 the existing features which was leading to the 25 preparation of the natural resources inventory and</p>
<p style="text-align: right;">30</p> <p>1 STEVE ALLISON: It's Rodgers Consulting 2 and it's out of 19847 Century Boulevard, Suite 3 200, Germantown. 4 ELIZABETH ROGERS: And what's your 5 current position at Rogers and some of your 6 responsibilities of your position? 7 STEVE ALLISON: Yeah, I'm the team lead 8 of our environmental team for the office. That's 9 the division, I'm head of the group, and what we 10 work on is basically every aspect of an 11 environmental component for all projects in the 12 office which can range from county approvals of an 13 NRI, environmental constraints analysis, all the 14 forest conservation plans, then into the state and 15 federal permitting for regulated resources which 16 would be impacts to wetlands, streams, flood 17 plains, anything of that nature with state and 18 federal. 19 We also do stream restoration plans, we 20 do site analysis and mitigation plans as well, and 21 I oversee a staff of all those different 22 deliverables for the programs. 23 ELIZABETH ROGERS: Thank you. And just 24 for the record have you ever testified as an 25 expert before the Montgomery County Office of</p>	<p style="text-align: right;">32</p> <p>1 the forest stand delineation, and then we also 2 prepared the preliminary forest conservation plan. 3 ELIZABETH ROGERS: Thank you. Can you 4 please describe the location and general 5 characteristics of the property, and with that if 6 we could go -- 7 STEVE ALLISON: Yeah. 8 ELIZABETH ROGERS: -- to the next 9 slide. Thank you. 10 STEVE ALLISON: All right. So this 11 site here, it's in the southeast quadrant of 12 Randolph Road and -- I'm sorry. My glasses, 13 right, I have the same glass problem. All right. 14 It's kind of folded in there from Georgia Avenue 15 and Randolph Road. The net lot area is 3.19 16 acres. 17 Directly south of the Montgomery County 18 Police Department we've got -- to the east we've 19 got Wheaton Regional Park; 1500 feet or so 20 southwest of the Glenallan Elementary School is 21 where we're kind of located. If you go north 22 you're less than half a mile from the Glenmont 23 Metro Station. 24 The site itself, it's currently 25 developed as a garden apartment with the drive</p>

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<p>33</p> <p>1 aisles and the parking aisles all on Glenmont 2 Circle on the outside. The buildings are in the 3 middle there and the elevation change, if you go 4 from an environmentalized aspect to that it 5 changes from 70 feet, or down 70 feet from 6 Randolph Road down to that southwest corridor 7 which then flanks the Wheaton Regional Park. 8 ELIZABETH ROGERS: Thank you. And have 9 you made a personal inspection of the property and 10 are you familiar with the area surrounding the 11 property? 12 STEVE ALLISON: Yes, I have. We went 13 ahead and did the initial site analysis of the 14 property for all the environmental permitting or 15 the environmental plans for the NRI and the PFCP. 16 ELIZABETH ROGERS: Thank you. And for 17 NRI, so just for the record that's natural 18 resource inventory forest stand delineation. So 19 just to clarify for the record did you prepare 20 that for this property and was it approved by the 21 planning department? 22 STEVE ALLISON: Yeah, I prepared the 23 natural resource inventory and forest stand 24 delineation. That was number 42023306070. It was 25 approved by Maryland-National Capital Park and</p>	<p>35</p> <p>1 buffer right now. 2 When this was developed in the '60s 3 they hadn't adopted the environmental guidelines 4 they have today, so they have more buildings, 5 roads in there, and we'll be removing that out of 6 there and we'll talk about that in a second, but 7 in those forest stands we do have a couple of 8 specimen trees. 9 Forest stand 1 has two, and then the 10 forest stand number -- I'm sorry. Forest stand 1 11 has two, forest stand 2 has six, and the forest 12 stands in those areas if you look on the side 13 flanking the Glenallan neighborhood that's forest 14 stand 1. They are very -- they're a high 15 retention priority for the buffering and screening 16 of the adjacent neighborhood. 17 They range from 10 inches to 29 inches, 18 some 30 inches of trees that are basically canopy 19 trees but you have your three strata out. You 20 have dominant trees of tulip poplar and red 21 maples, but then you also have that three 22 criterion of forest where you have a herbaceous 23 layer, mid-story layer of spice bush and hickories 24 and walnut seedlings, and that's the same thing 25 for forest stand 2.</p>
<p>34</p> <p>1 Planning on May 1st, 2023, and it is Exhibit 14. 2 ELIZABETH ROGERS: And are there any 3 streams, wetlands or other environmental features 4 on the property? 5 STEVE ALLISON: Yeah, there are. So on 6 the site we do have two different forest stands, 7 and we also have an intermittent stream that kind 8 of comes -- snakes through Randolph Road. It's 9 mainly piped. It does come through at the top of 10 forest stand 2 which is that kind of forest island 11 there at the -- north of the Glenmont Circle, and 12 we have 1.79 of existing vegetation and forest. 13 We had about 128 specimen trees with 14 this project and the redevelopment. We do have a 15 stream valley buffer of 3.28 acres. Within that 16 stream valley buffer currently we have 1.12 acres 17 of forest. In reviewing the site there is no FEMA 18 flood plain, although there's a county flood 19 plain. 20 This is not in a special protection 21 area, and we went through the DNR process for 22 rare, threatened, endangered species. None were 23 found on this site. Interesting enough, and we'll 24 get into it, but currently there is 0.84 acres of 25 existing infrastructure in the stream valley</p>	<p>36</p> <p>1 You have that stream daylighting at the 2 head wall there and all that kind of protects the 3 stream that's been daylighted and it goes 4 underneath Glenmont Circle, and it's the same high 5 retention priority to basically reduce the 6 temperature of the water but also stabilize the 7 land where the stream daylights there. 8 ELIZABETH ROGERS: Thank you. And does 9 this application require preparation of a 10 preliminary forest conservation plan? 11 STEVE ALLISON: It does. The PFCP is 12 number F20240450, and that was approved by the 13 planning board in May 30th, 2024. The plan was 14 submitted with the Local Map Amendment and all 15 forest conservation requirements have been met 16 onsite like we discussed in the -- go ahead. 17 ELIZABETH ROGERS: I was going to say 18 could we go to the next slide? 19 STEVE ALLISON: Oh, yeah. 20 ELIZABETH ROGERS: I just wanted to 21 note here before Mr. Allison continues testifying 22 on it, the forest conservation plan was submitted 23 and its not in OZAH's record because we realize it 24 was processing under a separate forest 25 conservation plan number with the Montgomery</p>

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<p style="text-align: right;">37</p> <p>1 County Planning Department, so we'd like to admit 2 the forest conservation plan as a new exhibit. 3 HEARING EXAMINER BYRNE: Okay. That 4 would be Exhibit 59, and this -- we'll title it 5 approved forest conservation plan. 6 ELIZABETH ROGERS: Yes. 7 HEARING EXAMINER BYRNE: Okay. 8 ELIZABETH ROGERS: Thank you. I'm 9 sorry. Go ahead. 10 STEVE ALLISON: All right. Not a 11 problem. That was approved May 30th. The PFCP 12 number again was 20 -- F20240450. As I mentioned, 13 all forest conservation requirements for the PFCP 14 will be met onsite. I mentioned before there's 15 1.7 acres of forest retention. 16 One of the priorities that we did here 17 was to make sure all these areas closer to the 18 stream valley buffer remain intact. We only had 19 0.01 removal, and that was for an existing utility 20 to have it come into -- basically outfall into the 21 stream valley area, so very minimal impacts there. 22 We are proposing 3.33 acres of 23 planting. We're going to take the stream valley 24 buffer that has existing buildings. We are going 25 to completely reforest it. That would be put into</p>	<p style="text-align: right;">39</p> <p>1 forest stand. Those trees had been planted as 2 landscape trees back in the '60s when it was 3 developed and they did meet the criteria of size 4 to be 30 inches, but they are not a typical forest 5 specimen tree necessarily because they're groomed 6 up. 7 They're in the green spaces of the 8 areas. They've been limbed up and then they have 9 turf grass underneath them, so we have 98 of 10 those. We do propose removal at this concept 11 level of 105 specimen trees, but a lot of that has 12 to do with demolition and how we're going to work 13 around these trees since they're so close to the 14 existing buildings. 15 Those areas, I think overall we had 128 16 specimen trees onsite, but like I said, mainly 17 they would have to be removed in the area to do 18 the demolition process, but we are looking for an 19 opportunity to save more. We will have variances 20 for those in later stages. 21 With the removal of any specimen trees 22 you do owe it back. You owe at a rate of one inch 23 -- or one caliber replaced for every four inches 24 removed at a three-inch caliber tree. So the 25 trees that would be coming down we are required to</p>
<p style="text-align: right;">38</p> <p>1 a category one easement, so it's currently not 2 protected. It will be protected, and with that 3 type of easement we will have an opportunity to 4 put trails in there. 5 We are removing the road that bisects 6 the kind of forest island and the forest that is 7 flanking the stream valley, the -- I think it's 8 called now a tributary. We're going to bring that 9 all together and that creates more of a transient 10 habitat instead of it being broken up by 11 impervious roadway. 12 We are getting 0.54 credits of -- or 13 landscape planting credits. As I mentioned, there 14 is an intermittent stream on there. It is 377 15 linear feet, but at this time it does have a 16 culvert for the roadway going through there, and 17 we're going to make that update for it to be more 18 contiguous. Let's see here. We talked about the 19 forest stands and the NRI. I think that's good 20 for that. 21 ELIZABETH ROGERS: Thank you. And are 22 there any specimen trees located outside the 23 boundaries of the forest conservation areas? 24 STEVE ALLISON: There are. There are 25 about 98 specimen trees that are outside of each</p>	<p style="text-align: right;">40</p> <p>1 replace those trees, and it would equal to about 2 290 trees that we would have mitigation for the 3 specimen trees removed. 4 HEARING EXAMINER BYRNE: So -- 5 STEVE ALLISON: But again we're in the 6 conceptual phase for those and we're going to be 7 evaluating as we move forward how to save as many 8 as we can through the redevelopment and demolition 9 process. 10 HEARING EXAMINER BYRNE: So are you -- 11 do you know the number of trees that'll be removed 12 or is that -- or like a ball park number? 13 STEVE ALLISON: That's a ball park 14 number right now. In this conceptual zoning phase 15 we're saying 105. We're going to see -- look for 16 opportunities as we move forward with the plan to 17 reduce that number if we can. 18 HEARING EXAMINER BYRNE: Okay. And 19 then you -- so say if it was 105 your replacement 20 tree would be what? 21 STEVE ALLISON: The tree replacement? 22 HEARING EXAMINER BYRNE: Yeah. 23 STEVE ALLISON: For three-inch caliber 24 trees would be about 290. 25 HEARING EXAMINER BYRNE: Okay. Right.</p>

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<p>41</p> <p>1 STEVE ALLISON: Yep. 2 HEARING EXAMINER BYRNE: I was trying 3 to tie that 290 back to the original removal. 4 STEVE ALLISON: Got it. 5 HEARING EXAMINER BYRNE: So 105 to 290. 6 Thank you. 7 STEVE ALLISON: Uh-huh. 8 ELIZABETH ROGERS: And those -- the 9 majority of the variance trees that are being 10 removed, could you just describe kind of the 11 species and kind of how they're characterized and 12 distinguished from kind of the trees that are in 13 the forest? 14 STEVE ALLISON: Sure. They're 15 predominantly tulip poplars which are a very tall 16 standing tree with a lack of buttressing roots at 17 the bottom there. These trees have also been 18 limbed up. They vary in health. There are trees 19 that are poor. There are trees that are doing 20 very well. 21 They are considered, if you would think 22 about the development as an ecosystem I would call 23 them interior trees, right, so they're blocked by 24 those individual buildings. A lot of these 25 different species that have been limbed up that</p>	<p>43</p> <p>1 Do you agree with the findings made by the 2 Maryland-National Capital Park and Planning 3 Commission staff in their staff report and the 4 planning board, both of which are in the record as 5 Exhibit 46? 6 STEVE ALLISON: Yes, I do. 7 ELIZABETH ROGERS: Is there anything 8 else that you would like to add? 9 STEVE ALLISON: No, it's good. I think 10 it's a very good project. Every type of project 11 does have an environmental habitat, albeit even an 12 urban project. By us going ahead and having the 13 opportunity to completely reforest the stream 14 valley buffer which is per required is a benefit 15 to the Glenallan tributary there, and we're going 16 to bring back more habitat and ecosystem plantings 17 that the stream and the stream buffer will benefit 18 from, so that's what I have. 19 ELIZABETH ROGERS: Thank you. And I 20 would just also note regarding the forest 21 conservation plan the planning board will be 22 issuing a resolution in writing kind of reflecting 23 their approval but we don't have that yet, but 24 once they issue it we can submit it into the 25 record.</p>
<p>42</p> <p>1 way, when you take them out of a -- an interior 2 and you move them to an exterior they're exposed 3 to wind throw and different issues because they're 4 not used to those buildings there. 5 So we take that all into account if we 6 have to remove any tree of how they will interact 7 with a new environment that's built there. We 8 also look into the critical root zones of the 9 trees. We do -- we are proposing conceptually 15 10 trees that would be impacted for critical root 11 zone impacts. 12 They will also have a variance but, you 13 know, we're looking for opportunities to save if 14 we can and the preferred method is making sure you 15 don't go one third of the critical root zone, so 16 we've identified that in a couple of dark hatches 17 areas that we're looking to preserve the trees but 18 only cut as much that based on the health of the 19 tree that they'll be able to survive. 20 But again the majority of the trees 21 there are kind of a landscape tree that meets that 22 criteria just because they're larger from the '60s 23 but they're highly maintained, so we will look to 24 do what we can on those. 25 ELIZABETH ROGERS: Great. Thank you.</p>	<p>44</p> <p>1 HEARING EXAMINER BYRNE: Okay. All 2 right. Hopefully if we can do it within the 10 3 days after I think generally that's a time frame 4 for them to meet. 5 ELIZABETH ROGERS: I hope so. It 6 didn't get adopted yet, so it should get adopted 7 next -- hopefully it'll get adopted next Thursday 8 -- 9 HEARING EXAMINER BYRNE: Uh-huh. 10 ELIZABETH ROGERS: -- and then they can 11 mail it on like Friday, Monday. 12 HEARING EXAMINER BYRNE: Friday, okay. 13 All right. A quick question. Talk to me a little 14 bit about the vegetation and the buffer between 15 the development and the neighboring community. 16 STEVE ALLISON: Yeah. Right on the 17 fringe there -- 18 HEARING EXAMINER BYRNE: Uh-huh. 19 STEVE ALLISON: -- the green you're 20 seeing there, we are actually -- we're enhancing 21 it and planting it. It's existing forest right 22 now. 23 HEARING EXAMINER BYRNE: Uh-huh. 24 STEVE ALLISON: There is some forest 25 that runs through a utility line right there.</p>

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45	1 HEARING EXAMINER BYRNE: Uh-huh. 2 STEVE ALLISON: We don't count it, but 3 we have no reason to impact it. The trees have 4 grown for an extensive period of time, 20-, 5 30-foot trees. It has a three strata part where 6 you have a herbaceous layer right there. 7 HEARING EXAMINER BYRNE: Uh-huh. 8 STEVE ALLISON: Some are English ivy, 9 those type of plants, but they also have your 10 shrubs where your spice bush and I think there's 11 holly seedlings and hickory seedlings and then you 12 have your mature canopy trees. So it's actually a 13 complete, you know, stand instead of just trees 14 just standing through some duff. 15 So there -- like I said, there are some 16 hollies in there that can create that wind break 17 and buffer in the winter, but the majority are red 18 maple, some hickories and tulip poplars over on 19 that flanking side. 20 HEARING EXAMINER BYRNE: And what's the 21 buffer distance? 22 STEVE ALLISON: The buffer distance set 23 on there, I think we're 30 to 40 feet or so of 24 additional buffer that we're working with. 25 HEARING EXAMINER BYRNE: You're adding	47	1 questions. 2 LINDSAY ROE: Okay. 3 HEARING EXAMINER BYRNE: Okay. So are 4 you going to be the person asking questions -- 5 LINDSAY ROE: Me? 6 HEARING EXAMINER BYRNE: -- of the 7 witnesses or -- 8 LINDSAY ROE: I need -- I guess if 9 everyone online could text me. I think most of us 10 have our numbers, I guess. 11 HEARING EXAMINER BYRNE: Or I'm fine 12 with one person/one witness. You know what I 13 mean, right? 14 LINDSAY ROE: That's fine. Let's do 15 that. That sounds great. 16 HEARING EXAMINER BYRNE: So we'll do 17 one person/one witness for cross-exam, for any 18 kind of question, clarification or 19 cross-examination. Okay. One. So, you know, if 20 we need a three-minute break for you guys to pull 21 it together I'm happy to do that. Sir. 22 RICHARD KAUFFUNGER: When they're -- 23 they have different groups. They -- you can't 24 expect them to speak with a single voice unless -- 25 HEARING EXAMINER BYRNE: Well --
46	1 additional buffer from what's already listed? 2 STEVE ALLISON: Right, so we do have 3 planting proposed for that area. 4 HEARING EXAMINER BYRNE: Okay. 5 STEVE ALLISON: Thank you. Yeah, the 6 buffer kind of wanes -- it's a little bit wider in 7 some locations so it's probably going down, you 8 know, maybe to the 30s but does extend out larger 9 for that -- the middle of that forest stand 1. 10 HEARING EXAMINER BYRNE: Okay. All 11 right. I have no further questions. Thank you. 12 STEVE ALLISON: Okay. Thank you. 13 HEARING EXAMINER BYRNE: Okay. I see 14 -- 15 LINDSAY ROE: I do have a question. 16 What is the -- 17 HEARING EXAMINER BYRNE: Okay. Okay. 18 You can't do it from there. Okay. 19 LINDSAY ROE: Oh. 20 HEARING EXAMINER BYRNE: You can't do 21 it from there, but you -- 22 LINDSAY ROE: Can I ask -- 23 HEARING EXAMINER BYRNE: Come up for a 24 minute. All right. So what I would ask of those 25 in opposition, that there be one voice that asks	48	1 RICHARD KAUFFUNGER: -- they've had 2 extensive time. 3 HEARING EXAMINER BYRNE: Well -- 4 RICHARD KAUFFUNGER: Each group can 5 have -- should have a separate opportunity to 6 raise the issues that are important to them. 7 HEARING EXAMINER BYRNE: Well, one of 8 my issues is, sir, that you don't have counsel to 9 represent each one of your groups. Each person 10 has an opportunity to testify to their issues. 11 RICHARD KAUFFUNGER: Okay. So -- 12 HEARING EXAMINER BYRNE: If there is -- 13 so you'll have an opportunity to come up and tell 14 me what your concerns and your issues are with the 15 testimony, but what I would ask is that we only 16 have one person conduct cross-examination. So if 17 you have a list of questions that you would -- 18 even though I understand it's multiple groups, if 19 we could have one person ask those questions that 20 would be great. 21 LINDSAY ROE: I truly just have a 22 question, so it's not even a cross-examination. I 23 can sit down and just ask the question afterwards. 24 That's fine. It's fine. 25 HEARING EXAMINER BYRNE: Another way we

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<p style="text-align: right;">49</p> <p>1 can do this, all right -- hold tight, hold tight, 2 is that -- 3 STEVEN ROBINS: This is going to take a 4 while. 5 HEARING EXAMINER BYRNE: -- as the 6 questions -- you hear everything, you write those 7 questions down, right, and you need those 8 questions addressed we can have the applicant 9 bring their expert back up to essentially address 10 those questions. That might be the easier way to 11 do it. Sir. 12 RICHARD KAUFFUNGER: Can individuals 13 participate in the cross-examination? 14 HEARING EXAMINER BYRNE: They can, but 15 what I would ask is that we don't have five people 16 from different groups essentially asking the same 17 question. Does that make sense? So I'm trying to 18 limit the repeat. 19 RICHARD KAUFFUNGER: So how about after 20 the fact, if somebody has asked a question and 21 another person starts to ask the same question 22 then you hold back, but the individual -- each 23 individual is allowed to ask the question because 24 there are many, many questions that I've heard 25 testified to already today that should and could</p>	<p style="text-align: right;">51</p> <p>1 specifically those issues and concerns that are 2 raised in the opposition testimony. 3 So we can do cross-examination, one 4 person. When you guys come up and you testify to 5 what your individual concerns are we can have that 6 expert come up at that time to answer those 7 questions, you know what I mean, because then that 8 way we'd have continuity between your concerns and 9 if there's an answer. 10 RICHARD KAUFFUNGER: There are a couple 11 of problems here with even doing that. It's very 12 hard to read what the exhibit numbers are, so 13 associating somebody who is giving testimony with 14 a specific exhibit becomes challenging, but what 15 you're asking is that we somehow -- well, what 16 exhibit number is that? 17 HEARING EXAMINER BYRNE: So this was an 18 exhibit that was just submitted -- 19 RICHARD KAUFFUNGER: I know that it 20 was. 21 HEARING EXAMINER BYRNE: -- right, so 22 -- 23 RICHARD KAUFFUNGER: It was just 24 submitted, so -- 25 HEARING EXAMINER BYRNE: Yeah, Exhibit</p>
<p style="text-align: right;">50</p> <p>1 be asked -- our friend Steven is shaking his head 2 no. He thinks he's the judge. 3 STEVEN ROBINS: I'm not shaking my 4 head. 5 (Laughter.) 6 HEARING EXAMINER BYRNE: So the issue 7 that I have is that there -- I hear what you're 8 saying, right, and we want to have as robust a 9 participation as we possibly can, but at the same 10 time like it can't be a free-for-all, right. 11 RICHARD KAUFFUNGER: How about when it 12 becomes the free-for-all then you announce it -- 13 HEARING EXAMINER BYRNE: I'm trying to 14 avoid that. 15 RICHARD KAUFFUNGER: -- ahead of time 16 -- 17 HEARING EXAMINER BYRNE: Sir, I'm 18 trying to avoid that free-for-all ahead of time. 19 If you have a list of specific questions that 20 you'd like to ask this witness please come up, but 21 that would be it for the group. Okay. 22 RICHARD KAUFFUNGER: How -- 23 HEARING EXAMINER BYRNE: If people want 24 to testify as to what their issues or concerns are 25 I can call that expert back up to address</p>	<p style="text-align: right;">52</p> <p>1 59. 2 RICHARD KAUFFUNGER: -- a change from 3 one of the earlier ones. 4 HEARING EXAMINER BYRNE: So all of 5 these have been online and everyone has had an 6 opportunity to review them, so this has actually 7 been online as part of the presentation, so the 8 only different -- difference here is it's an 9 approved plan. 10 It was a preliminary plan that was 11 submitted to the planning board and they have 12 since approved it which is why it didn't have an 13 exhibit number. Now it has an exhibit number as 14 part of the testimony. So, I mean, we're happy to 15 blow it up, we're happy to allow you to walk up, 16 take a look at it, have specific issues or 17 questions that you have with it. 18 So I guess my question is, sir, is do 19 you want to ask specific questions of this witness 20 as to what he has testified right now or do you 21 want to wait, present your own testimony, raise 22 issues and concerns with the application or his 23 testimony and then have the applicant recall the 24 expert to address those? Like those are the two 25 options.</p>

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<p style="text-align: right;">53</p> <p>1 RICHARD KAUFFUNGER: Okay. I have 2 experience in the old ways and it's -- I'm finding 3 it challenging here to be able to organize 4 statements and witnesses, which if you understood 5 all the things I have running across my dining 6 room table that's just a fly spectangular drawing 7 up there to bring out things. 8 HEARING EXAMINER BYRNE: Like I said, 9 we're happy -- we can zoom in. We can expand it. 10 One of the benefits of this is that everybody gets 11 to see them because they're online and you can 12 zoom in and you can see all these things and you 13 can formulate your questions ahead of time. 14 RICHARD KAUFFUNGER: I didn't know I 15 was going to have a difficult time. I can't -- 16 I've had enough arguing. 17 LINDSAY ROE: I'll wait until my 18 testimony. 19 RICHARD KAUFFUNGER: Okay. That's 20 fine. Why don't you announce it so she can hear 21 it. 22 LINDSAY ROE: I'll go ahead and wait 23 until I give my testimony and then ask the 24 questions that I have -- 25 HEARING EXAMINER BYRNE: Okay.</p>	<p style="text-align: right;">55</p> <p>1 HEARING EXAMINER BYRNE: Right. 2 Understood. 3 MATTHEW LEAKAN: And you're welcome to 4 take a peek at these if it helps you, sir. 5 HEARING EXAMINER BYRNE: Go ahead and 6 turn your mic on for me. 7 MATTHEW LEAKAN: Okay. 8 HEARING EXAMINER BYRNE: And if you 9 could raise your right hand. Do you promise to 10 tell the truth, the whole truth, and nothing but 11 the truth? 12 MATTHEW LEAKAN: I do. 13 HEARING EXAMINER BYRNE: All right. 14 And if you could state your full name and spell it 15 for our court reporter. 16 MATTHEW LEAKAN: Yes, it's Matthew 17 Leakan, M-A-T-T-H-E-W L-E-A-K-A-N. 18 ELIZABETH ROGERS: Thank you. We are 19 prepared to begin a series of questions that will 20 qualify Mr. Leakan as an expert in land planning. 21 He has previously been qualified as an expert for 22 this body, so before I do that I wanted to ask how 23 the hearing examiner would prefer for us to -- 24 HEARING EXAMINER BYRNE: How many times 25 have you qualified as an expert for this body?</p>
<p style="text-align: right;">54</p> <p>1 LINDSAY ROE: -- regarding each issue 2 if that's okay. 3 HEARING EXAMINER BYRNE: Okay. That's 4 fine. 5 LINDSAY ROE: Thank you. 6 HEARING EXAMINER BYRNE: So the 7 applicant's experts could be on hand to try to 8 address any of those issues that come forward in 9 the testimony. So the young woman that stood up 10 first, you'll have that question that you can 11 raise at that point. 12 LINDSAY ROE: Absolutely. 13 HEARING EXAMINER BYRNE: And we'll make 14 sure that the expert is there to try to address 15 that for you. I think we'll have a better flow 16 that way and hopefully there won't be any 17 repetitive questions. Okay. All right. So I 18 think we have a plan. Let's all hope for the best 19 and feel free to call your next witness. 20 ELIZABETH ROGERS: Thank you. Our next 21 witness will be Matthew Leakan, Leakan. 22 MATTHEW LEAKAN: I'm going to sit over 23 here so I can have the plans. 24 ELIZABETH ROGERS: Uh-huh. 25 MATTHEW LEAKAN: I'm the map guy, so --</p>	<p style="text-align: right;">56</p> <p>1 MATTHEW LEAKAN: Once as a professional 2 landscape architect and once as a certified land 3 planner. 4 HEARING EXAMINER BYRNE: All right. 5 And any other bodies you've been qualified for to 6 testify as an expert? 7 MATTHEW LEAKAN: Sure, Montgomery 8 County Circuit Court and also Prince George's 9 County administrative hearings -- I'm sorry, 10 hearing examiner. 11 HEARING EXAMINER BYRNE: All right. 12 And how many years have you been practicing? 13 MATTHEW LEAKAN: Twenty-four years. 14 HEARING EXAMINER BYRNE: Okay. We'll 15 go ahead and admit him as an expert based on his 16 prior admission in those bodies. 17 ELIZABETH ROGERS: Great. And just for 18 the record his resume is also in Exhibit 26. 19 HEARING EXAMINER BYRNE: Thank you. 20 ELIZABETH ROGERS: Mr. Leakan, are you 21 familiar with the Local Map Amendment application 22 which is before the hearing examiner today? 23 MATTHEW LEAKAN: I am. 24 ELIZABETH ROGERS: Can you please 25 describe your responsibilities with regard to that</p>

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<p>57</p> <p>1 application? 2 MATTHEW LEAKAN: Sure. As part of any 3 Local Map Amendment application we take a look at 4 of course the primary policy documents which guide 5 most map plans in Montgomery County. That is the 6 general plan in this case, 52050. The 2013 7 approved sector plan, Glenmont Sector Plan, we 8 took a look at that and in doing so I participated 9 in preparing the plans before you to constitute 10 the floating zone plan and the land use report. 11 ELIZABETH ROGERS: Thank you. And have 12 you made a personal inspection of the Local Map 13 Amendment site, and are you familiar with the area 14 that surrounds the property? 15 MATTHEW LEAKAN: I am. 16 ELIZABETH ROGERS: And just to be 17 clear, you've visited the site previously? 18 MATTHEW LEAKAN: I have, and just 19 anecdotally I've been a resident on the Georgia 20 Avenue corridor for 37 years. 21 ELIZABETH ROGERS: Thank you. Can you 22 please describe -- if we can go to the next slide 23 first, actually. And just for the record this is 24 the existing conditions plan that's already 25 Exhibit 31 in the record, just a reproduction of</p>	<p>59</p> <p>1 the Montgomery County Police Department just to 2 the north as indicated on the plan, you have a 3 church to the southwest, and as previously 4 testified by other experts you have the Wheaton 5 Regional Park to the southeast, but of note which 6 I think is important for the record, the property 7 is not technically contiguous to Wheaton Regional 8 Park. 9 There is a paper right of way that 10 exists to the southeast as well as a separate 11 ownership parcel that's not owned by this 12 applicant that intervenes between direct 13 connectivity between the Glenmont Forest property 14 and the Wheaton Regional Park, and that's 15 pertinent as it relates to other criteria that 16 I'll get into later relative to path connections 17 and so forth. 18 As testified to previously there's 19 significant topography on the site, approximately 20 50 to 70 feet vertical topography from Randolph 21 Road and Georgia Avenue which are both what I 22 would characterize as ridge roads, meaning they're 23 at the high point and the property falls away from 24 that point. 25 As testified to by Mr. Allison, there</p>
<p>58</p> <p>1 it. Can you please describe the location and 2 general characteristics of the property? 3 MATTHEW LEAKAN: Sure. The property, 4 as mentioned earlier, is approximately 32 acres. 5 The record states 35 acres because that's the 6 gross track area calculation as afforded by the 7 zoning code which constitutes or comprises areas 8 in past rights of ways, so forth, but the site 9 plan as indicated in red on this exhibit is 10 approximately 32 acres. 11 The improvements on the site, you have 12 approximately 19 buildings, 482 residential 13 dwelling units in a rental format of which none 14 are regulated and/or what Montgomery County calls 15 moderately priced dwelling units. MPDUs is a term 16 we'll probably use frequently during this 17 testimony, so no MPDUs onsite. 18 Access to the property, there's three 19 points of vehicular access. You have one right 20 in/right out on Georgia Avenue, a state highway 21 road, and two on Randolph Road, one with a full 22 movement intersection, meaning signalized with a 23 traffic light, and one right in/right out. The 24 property is entirely surface parked vehicular. 25 And the adjacent land uses, you have</p>	<p>60</p> <p>1 are environmental features in the southeast 2 quadrant of the property as well as existing 3 forest stands comprising about 1.8 acres on the 4 property, and most of that as seen in the prior 5 exhibit are aggregated and consolidated generally 6 to the south and to the east of the property which 7 is -- happens to be the location adjacent to the 8 single family residential neighborhood. 9 ELIZABETH ROGERS: And is there any 10 modern storm water management or existing 11 environmental protections on the property? 12 MATTHEW LEAKAN: There are no apparent 13 modern storm water management controls other than 14 a very simple storm drain conveyance system as I 15 would characterize it, meaning no water quality 16 treatment which is required under a modern storm 17 water management regime, what is called ESD or 18 environmental site design criteria which Mr. 19 Rentfro will testify to as the civil engineer. 20 The conveyance system is really 21 comprised of very simple sheet flow 22 characteristics with very simple storm drain that 23 is ultimately conveyed or outfalled as testified 24 to by Steve Allison into the stream that exists in 25 the paper right of way to our southeast on what is</p>

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<p>61</p> <p>1 called Starling Drive. That paper right of way is 2 called Starling Drive. 3 ELIZABETH ROGERS: Thank you. And are 4 you familiar with the -- sorry. We can go to the 5 next slide. So just for the record this is a 6 reproduction actually from -- at the time it was 7 submitted the staff report wasn't in the record, 8 so it's actually a reproduction from Exhibit 46 9 which is the staff report. We just enlarged it 10 for today's hearing. Are you familiar with the 11 surrounding neighborhood boundary as identified by 12 staff in their staff report? 13 MATTHEW LEAKAN: I am. 14 ELIZABETH ROGERS: And do you agree 15 with staff's delineation of the surrounding 16 neighborhood? 17 MATTHEW LEAKAN: I do. Of note we 18 submitted in our application a very similar 19 neighborhood geography with one slight exception. 20 The staff report included two of the adjacent 21 parcels in the Wheaton Regional Park as part of 22 their neighborhood delineation. We had no 23 objection to including that. 24 I think it is, in fact, actually 25 pertinent to the conversation. We left it out</p>	<p>63</p> <p>1 the overall character of the surrounding 2 neighborhood? 3 MATTHEW LEAKAN: The overall character 4 is -- you know, it's true mixed use. You have 5 commercial uses, you have residential uses of 6 varying intensities. You have rental, you have 7 ownership, you have institutional uses such as the 8 church across the street, you have the fire 9 station, so I would characterize it as a very 10 existing, however eclectic neighborhood. 11 ELIZABETH ROGERS: Thank you. And did 12 park and planning staff agree with your 13 characterization of the character of the 14 surrounding neighborhood? 15 MATTHEW LEAKAN: They did. 16 ELIZABETH ROGERS: Thank you. Just for 17 the record I would note staff describes the 18 character on page three of the staff report. In 19 your professional opinion will the proposed 20 development impact that character that you just 21 described of the surrounding neighborhood? 22 MATTHEW LEAKAN: No, I don't believe it 23 will because the application before you is a 24 continuation of the residential use of the 25 property. Yes, we do have a small component of</p>
<p>62</p> <p>1 originally because there were no direct impacts to 2 residents given its, you know, ownership nature 3 and so forth. The neighborhood, as described 4 here, starting from north moving south I think the 5 key land use proponent to this entire application 6 is the existence of the Glenmont metro on Georgia 7 Avenue. 8 As you know, heavy rail transit 9 accessible metro service exists at that location, 10 and moving south from there you have the Glenmont 11 Shopping Center, a center that's identified in the 12 Thrive 2050 plan as a major center for 13 development, meaning higher intensity changes in 14 land use, mixed use development predominantly 15 including higher intensities and higher heights 16 are planned for that location. 17 Then you have Randolph Road, and as I 18 mentioned earlier the police station. Then at 19 this property and to our east of course is the 20 enclave of R-90 single family detached residential 21 subdivision to the east along Glenallan Avenue. 22 To our south are rental townhouses extending all 23 the way out to Shorefield Drive as the southern 24 demarcation of the neighborhood boundary. 25 ELIZABETH ROGERS: Okay. And what is</p>	<p>64</p> <p>1 commercial use, but it's very small. Up to 5,000 2 square feet is the binding element is what we've 3 proposed. 4 Even though the underlying zoning 5 designation would technically allow for more, we 6 have committed to a binding element that limits 7 that total overall square footage of commercial 8 development, which in my view would be more 9 concerning to the detriment of the existing 10 character of the neighborhood. 11 In fact, I would go so far to say as 12 this development application will enhance a lot of 13 the residential character of the neighborhood 14 given the modern regulatory requirements are 15 pertinent to a development application of this 16 magnitude such as street trees, site furnishings, 17 amenities as they get into the floating zone plan 18 will describe the one-acre central green which is 19 color coded with the stream valley buffer, and so 20 in my mind the residential character will be 21 maintained, there will be residential buildings 22 throughout the property. 23 HEARING EXAMINER BYRNE: Can I ask you 24 a quick question? We have an existing number of 25 dwelling units. What does the underlying zoning</p>

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<p style="text-align: right;">65</p> <p>1 permit for a number of dwelling units on an 2 acreage that size, if you know? 3 MATTHEW LEAKAN: I don't have that 4 number but I can do the math really quick, so let 5 me -- 6 HEARING EXAMINER BYRNE: I'm glad you 7 came because I don't -- 8 MATTHEW LEAKAN: Yeah. So R-30, and 9 correct me if I'm wrong, Counsel, but R-30 is 10 3,000 square feet per acre. I think that's around 11 14.5 units per acre. I don't have my calculator. 12 STEVEN ROBINS: I think you're close. 13 MATTHEW LEAKAN: Yeah. So 14.52 is the 14 -- so you have to correlate -- the old zones used 15 -- 16 HEARING EXAMINER BYRNE: Uh-huh. 17 MATTHEW LEAKAN: -- square footage. 18 They're very euclidean based and bulk form based. 19 HEARING EXAMINER BYRNE: Uh-huh. 20 MATTHEW LEAKAN: 3,000 square foot is 21 determined -- the deviser divided by the acreage 22 which constitutes 14.52. If you take that and 23 multiply that times the tract area, which I don't 24 believe -- again I'm sort of splitting hairs, but 25 I don't know if you can take past right of way for</p>	<p style="text-align: right;">67</p> <p>1 HEARING EXAMINER BYRNE: Okay. Based 2 on that combination, so if you did a hundred 3 percent MPDU you would have the maximum number of 4 dwelling units based on that R-30 today? 5 MATTHEW LEAKAN: That's right, and it 6 used to be 22 percent was the maximum. I believe 7 that scale goes beyond that now. 8 HEARING EXAMINER BYRNE: Okay. All 9 right. Okay. Thank you. That's all. 10 MATTHEW LEAKAN: Uh-huh. 11 ELIZABETH ROGERS: Thank you. If we 12 can go to the next slide. Have you reviewed the 13 official zoning vicinity map for the property and 14 the surrounding area? 15 MATTHEW LEAKAN: I have. 16 ELIZABETH ROGERS: And for the record 17 what is the existing zoning of the property? 18 MATTHEW LEAKAN: As we just discussed, 19 existing zoning is R-30 which is a predominantly 20 multifamily residential zone. 21 ELIZABETH ROGERS: Thank you. And what 22 is the proposed zoning classification? 23 MATTHEW LEAKAN: The new proposed 24 zoning classification as recommended in the sector 25 plan of which we are consistent with is the CRF</p>
<p style="text-align: right;">66</p> <p>1 the old zoning, but assuming you could let's say 2 times 35 acres, that's approximately 508 dwelling 3 units -- 4 HEARING EXAMINER BYRNE: Okay. 5 MATTHEW LEAKAN: -- for the existing 6 zoning. 7 HEARING EXAMINER BYRNE: Okay. 8 MATTHEW LEAKAN: And again recall the 9 existing zoning at the time this was developed 10 there was no MPDU law. 11 HEARING EXAMINER BYRNE: Right. 12 MATTHEW LEAKAN: And there were no 13 density bonuses afforded to the underlying bases 14 owned -- 15 HEARING EXAMINER BYRNE: Uh-huh. 16 MATTHEW LEAKAN: -- at that time. 17 HEARING EXAMINER BYRNE: Okay. All 18 right. And based on that old law when it was 19 originally zoned, okay. 20 MATTHEW LEAKAN: Correct. So a new 21 R-30 application if you were to file it in theory 22 you could apply a density bonus based upon your 23 total amount of moderately priced dwelling units 24 that you're proposing, and it's a sliding scale so 25 the calculation is literally endless.</p>	<p style="text-align: right;">68</p> <p>1 zone -- that is commercial residential floating 2 zone -- 1.75 C-.25, R-1.5, a height of 75 feet. 3 ELIZABETH ROGERS: And are multiunit 4 and townhouse living and various other commercial 5 uses such as retail service establishments up to 6 5,000 square feet, restaurant or day care uses 7 permitted in the CRF zone? 8 MATTHEW LEAKAN: They are. 9 HEARING EXAMINER BYRNE: Do you mind if 10 I ask you a quick question? 11 MATTHEW LEAKAN: Sure. 12 HEARING EXAMINER BYRNE: And maybe it 13 would benefit people who are here and those 14 online. Can you explain what a sector plan is? 15 MATTHEW LEAKAN: Sure. The sector plan 16 really -- you have a much broader framework in 17 place in Montgomery County and in most 18 jurisdictions generally. So the broad policy 19 document that speaks to the county's position or 20 perspective on land use and growth and development 21 is what's called the general plan, and with 22 Montgomery County that was just recently updated. 23 It's now called Thrive 2050 and that 24 was updated from a prior plan which was called 25 Wedges and Corridors, and that named is apped for</p>

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<p style="text-align: right;">69</p> <p>1 this property as well just as an aside given the 2 corridor nature of this development. So the 3 sector plan is a subset geographically and a 4 planning exercise that's done. 5 It's a public process. It takes many 6 years. That's done through and managed 7 predominantly administratively by the 8 Maryland-National Capital Park and Planning 9 Commission and they do out reach, et cetera, and 10 the sector plan seeks to effect or effectuate the 11 general plan. 12 It also seeks to effect those local 13 issues and/or those local criteria from a sector 14 plan perspective, meaning the geographic boundary 15 of all those properties contained within the 16 sector plan, but what they also do is they go very 17 precise and very specific. In this case they 18 actually make specific land use recommendations on 19 individual properties, and they do that in a way 20 so that things can be planned comprehensively. 21 That's an important concept with the 22 whole purpose of a sector plan, is that you don't 23 have piecemeal development that's unplanned 24 because of the unintended consequences of what may 25 occur, and so this comprehensive nature of</p>	<p style="text-align: right;">71</p> <p>1 to derail you a little bit, but I think it's -- 2 having that context is -- it's good to hear it in 3 a linear fashion, not just throw the words out. 4 ELIZABETH ROGERS: Great. Mr. Leakan, 5 can you please briefly explain the overall 6 planning concepts for the development proposal on 7 this site? 8 MATTHEW LEAKAN: Sure, if we could go 9 to the actual floating zone. 10 ELIZABETH ROGERS: Let's go to the next 11 slide, and this for the record is just a 12 reproduction of Exhibit 30. 13 MATTHEW LEAKAN: So the floating zone 14 plan before you, this was actually produced and 15 synthesized over a period of time both in our 16 office and both with -- and planning staff and the 17 public during the sector plan, and a lot of the 18 issues frankly were teased out during that time 19 and became ultimately the recommendations put 20 forth in the sector plan. 21 And the key issues -- some of the key 22 issues at any rate that organized this plan I 23 think which was already testified to, and that was 24 the central open space that we're providing here 25 achieves multiple public policy objectives both on</p>
<p style="text-align: right;">70</p> <p>1 planning is very important in Montgomery County 2 and in most jurisdictions. I can go on about the 3 sector plan. 4 HEARING EXAMINER BYRNE: No, I think 5 that -- yeah, just -- it's helpful to create that 6 link from Thrive to the sector plan and that it's 7 actually location specific, so you're testifying 8 to the sector plan specific to this location 9 regarding the recommendations and goals that were 10 flushed out -- 11 MATTHEW LEAKAN: That's correct. 12 HEARING EXAMINER BYRNE: -- through 13 Thrive. Okay. 14 MATTHEW LEAKAN: That's correct, and 15 they're very much -- you know, the sector plan 16 very much just affirms a lot of the position 17 statements, policy recommendations, goals and 18 objectives that the general plan does, but the 19 general plan obviously could be -- it's just 20 unwieldy to talk -- 21 HEARING EXAMINER BYRNE: Right. 22 MATTHEW LEAKAN: -- about those things 23 countywide versus a neighborhood characterization, 24 which is really an important aspect here, I think. 25 HEARING EXAMINER BYRNE: Okay. Sorry</p>	<p style="text-align: right;">72</p> <p>1 the environmental resilience side, which is the 2 category in the general plan, as well as the 3 promotion of public health, safety, welfare, 4 amenities, things of that nature. 5 And they also provide visual and 6 functional reference to the Wheaton Regional Park. 7 Even though there are intervening parcels between 8 us and our open space for all intents and purposes 9 that space, even though we have a one-acre amenity 10 which is central on the plan before you which is 11 at the intersection of street B and street A that 12 space looks, feels and functions much larger than 13 what it is being characterized as in numbers. 14 In other words, we have 3.3 acres of 15 forest conservation plantings combined with a 16 forest -- I'm sorry, the stream valley buffer area 17 combined with the amenity area. It makes for a 18 much larger organizational element, and some of 19 the other benefits there is from a compatibility 20 perspective. 21 I'm sure there are environmental 22 benefits, but as Mr. Allison testified to earlier 23 this contiguousness which is what the county calls 24 green infrastructure, meaning one of the main 25 categories or strategies for creating green</p>

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<p style="text-align: right;">73</p> <p>1 infrastructure throughout the county is to try 2 through development applications largely to 3 consolidate and make contiguous environmental 4 resource areas not only for the benefit of the 5 environment, but also in this instance where we 6 can create a compatible edge or transition that 7 those neighbors presently enjoy today. 8 The other primary characteristic here 9 is, as you can tell, this is a very compact form 10 of development. The benefits of compact 11 development are well shown throughout Montgomery 12 County and is, in fact, a goal of Thrive 2050 and 13 of the 2013 sector plan. The purpose is to grow 14 up and not out with compact development, and what 15 that means is design flexibility is necessary in 16 order to achieve those benefits. 17 So by building up and not out in theory 18 you get a reduced footprint of disturbance on a 19 site which is -- one of the sector plan goals here 20 is to try to honor the existing property to the 21 extent practicable, whether that's through saving 22 trees or reducing the development footprint. So 23 the conceptual buildings that we have here, I 24 believe we have eight buildings, two, four, six, 25 eight buildings identified as buildings A through</p>	<p style="text-align: right;">75</p> <p>1 property are limited to 45 feet tall, a distance a 2 hundred feet from the single family detached 3 neighborhood to the east. 4 That comes directly from the sector 5 plan recommendation and I will get into the 6 compatibility. We've actually done a lot more due 7 diligence in a more thorough analysis of the 8 compatibility which I will testify to later once I 9 get to that exhibit. There's a lot more I think 10 to characterize here, but generally I think that's 11 most of it. 12 ELIZABETH ROGERS: Just one I guess 13 follow-up question on that, in terms of does the 14 floating zone plan that we've proposed allow for 15 flexibility with respect to building typology in 16 allowing for potential ownership aspects of the 17 plan, if you could just note that for the record? 18 MATTHEW LEAKAN: It does. So again the 19 flexibility that's afforded here is in the 20 compliance with the CR zone which allows -- and 21 one of the purposes and intents of the CR zone is 22 to provide for that flexibility. Part of that is 23 for conventional setbacks. 24 Part of that is for flexibility on the 25 relationship of the buildings to the streets and</p>
<p style="text-align: right;">74</p> <p>1 H. 2 And those are in a multifamily format 3 and are different building typologies with 4 structured parking, meaning the parking is 5 predominantly in a facility parking garage and are 6 screened from public view, which is again one of 7 the sector plan recommendations for converting the 8 old buildings into a more modern adaptation of a 9 pedestrian friendly urban experience. 10 The transportation network which will 11 be testified to by Ms. Randall is fairly obvious 12 and is largely derived from the diagrams put forth 13 in the sector plan which indicate a redundant 14 street grid. Presently the property contains 15 effectively a loop road which Mr. Allison had 16 testified to. That's a very, as I might say, old 17 school methodology for dealing with circulation 18 and has its benefits, but generally does not have 19 the virtues associated with a street grid pattern 20 as presented on the floating zone plan. 21 The plan to the east in addition to the 22 forest, in addition to the plantings that were 23 described by Mr. Allison, one of our binding 24 conditions on this property is to include an area 25 where the height of any buildings proposed on our</p>	<p style="text-align: right;">76</p> <p>1 so forth, and it also sets up I think a framework 2 whereby individual parcels could in theory be 3 subdivided easier than without, like if I was just 4 to do an R-30 subdivision, for example. 5 ELIZABETH ROGERS: And I guess just to 6 be clear, maybe you testified to it and I missed 7 it, but will the -- does the plan allow for 8 townhouse options for a portion of the site and 9 where would those be located? 10 MATTHEW LEAKAN: Yeah, that's correct. 11 So as part of our development program here we had 12 up to 250 townhouses in lieu of the buildings 13 adjacent to the eastern property margin and the 14 southern property margin. That is buildings D, E, 15 F, G and H. 16 We wanted the flexibility to do an 17 alternative building typology that it's not 18 directly shown on the floating zone plan, and that 19 would be townhouses which are a much smaller 20 building module than the multifamily buildings as 21 shown. 22 HEARING EXAMINER BYRNE: So at this 23 point the plant -- I guess my issue is is it 24 townhouses or is it apartments? 25 MATTHEW LEAKAN: We want the</p>

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<p style="text-align: right;">77</p> <p>1 flexibility frankly to do one or both or some 2 combination. The nature of the floating zone plan 3 right now is conceptual and we're trying to create 4 the development framework setting the edges and 5 the compatibility edges along our eastern property 6 margin, but for now it may be some combination. 7 It may be totally multifamily or it may be a 8 combination. 9 ELIZABETH ROGERS: And just to be 10 clear, the floating zone plan in the record 11 anticipates that flexibility, correct? 12 MATTHEW LEAKAN: It does in binding 13 element number two. 14 HEARING EXAMINER BYRNE: All right. 15 Because -- that was a question that I had because 16 I see you've got the new dwelling units with the 17 majority being multifamily, but I'm hearing the 18 flexibility for 250 but then I have up to 78 19 townhouses in the development table under the use 20 and standards section, so that's -- 21 MATTHEW LEAKAN: Under 3.16 on the 22 floating zone plan our table shows up to 250 23 dwelling units. 24 HEARING EXAMINER BYRNE: Okay. 25 MATTHEW LEAKAN: I'm not sure where the</p>	<p style="text-align: right;">79</p> <p>1 substitution of those multifamily units for a 2 lower density -- 3 HEARING EXAMINER BYRNE: Right. 4 MATTHEW LEAKAN: -- unit would by 5 essence mean a reduction of the total number of 6 dwelling units. 7 HEARING EXAMINER BYRNE: All right. 8 All right. Now -- 9 STEVEN ROBINS: Commissioner, can I 10 just make -- 11 HEARING EXAMINER BYRNE: Yes. 12 STEVEN ROBINS: -- one comment? I 13 mean, there was precedent for trying to provide 14 for flexibility -- 15 HEARING EXAMINER BYRNE: Uh-huh. 16 STEVEN ROBINS: -- besides the planning 17 staff that was very interested in also seeing this 18 flexibility to see if there was in the future an 19 option, an opportunity to have some for sale 20 product as well as a rental product. 21 There have been other zoning cases, one 22 in particular, the Glenmont Metro Center project 23 right up the street, that had two of the blocks 24 that proposed either apartment units or townhouse 25 units and, in fact, some of them were eventually</p>
<p style="text-align: right;">78</p> <p>1 78 -- 2 HEARING EXAMINER BYRNE: All right. I 3 just had -- I made a note of that, so I wanted to 4 ask. All right. So you're referencing 3.16 table 5 up to 270? 6 MATTHEW LEAKAN: 250. 7 HEARING EXAMINER BYRNE: Up to 250, so 8 those 250 you'd then would see a reduction in the 9 number of multifamily, so based on that 10 configuration, so we're just talking about maximum 11 number of dwelling units but may not all be in 12 that single multifamily dwelling unit more so 13 townhouses. Now, do you have a townhouse concept 14 design or -- 15 MATTHEW LEAKAN: We do not. We do not 16 have a townhouse concept design. 17 HEARING EXAMINER BYRNE: Okay. So 18 right now what we're showing is a hundred percent 19 multifamily dwelling units on the plan? 20 MATTHEW LEAKAN: That's correct, and 21 that would represent or constitute the full 22 development potential of 2,275 dwelling units. 23 HEARING EXAMINER BYRNE: Okay. 24 MATTHEW LEAKAN: But you're correct in 25 the assertion that any rational or logical</p>	<p style="text-align: right;">80</p> <p>1 rolled out as townhouses. 2 HEARING EXAMINER BYRNE: Okay. All 3 right. All right. So what's before me today is 4 the maximum amount of dwelling units developable 5 in a multifamily unit configuration, anything that 6 would consider a for sale or reduce that number of 7 dwelling units based on the number of townhouses 8 that are folded into that. 9 MATTHEW LEAKAN: That's correct. 10 HEARING EXAMINER BYRNE: Okay. Okay. 11 All right. That makes sense to me. Thank you. 12 STEVEN ROBINS: Thank you. 13 ELIZABETH ROGERS: Thank you. Next 14 we'll proceed with a line of questions regarding 15 that sector plan conformance. So I know you 16 mentioned it, but can you give the full name of 17 the relevant master plan for this property? 18 MATTHEW LEAKAN: Sure. It's the 2013 19 approved and adopted Glenmont Sector Plan. 20 ELIZABETH ROGERS: Thank you. And have 21 you reviewed that sector plan? 22 MATTHEW LEAKAN: I have. 23 ELIZABETH ROGERS: And based on your 24 review of the sector plan and in your professional 25 opinion is the proposed development in substantial</p>

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<p style="text-align: right;">81</p> <p>1 conformance with the overall goals and 2 recommendations contained therein? 3 MATTHEW LEAKAN: It is. 4 ELIZABETH ROGERS: Can you please 5 describe some of those goals and recommendations 6 as they're applicable to this redevelopment? 7 MATTHEW LEAKAN: Sure. The sector 8 plan, as I mentioned previously, has general 9 guiding principles that are found throughout the 10 sector plan and then site specific 11 recommendations, and it even goes further to talk 12 about design guidelines. 13 So firstly the general sector plan 14 recommendations, one is to encourage redevelopment 15 that makes best use of public investment in metro. 16 I think that's a self-evident with this 17 development application, that by virtue of 18 applying the CRF zone we are able to infill and 19 redevelop the site to be much more efficient to 20 add dwelling units as well as to add moderately 21 priced swelling units. 22 Another item of the general sector plan 23 recommendation is to maintain support of wide 24 choice of housing types and neighborhoods for 25 people of all incomes, ages and physical</p>	<p style="text-align: right;">83</p> <p>1 said, I'll get into the setback requirement and 2 what we're proposing when I get to that 3 compatibility exhibit. 4 Another item is to improve 5 connectivity, both vehicular, pedestrian. Again 6 by virtue of the gridded street a combination of 7 public and private roadways are proposed. The 8 public roadway connecting to Erskine Avenue in the 9 northeast portion of the property with sidewalks 10 on both sides of the street and our connectivity 11 and pedestrian network will be testified to by 12 either Ms. Randall or Mr. Rentfro. 13 And of course one of the other 14 recommendations is to conserve and enhance natural 15 resources. I think that this plan clearly 16 demonstrates by virtue of number one of avoidance, 17 of avoiding those natural resource areas, and then 18 there are certain intrinsic improvements that will 19 occur to improve those natural resources, one in 20 the form of reduction and removal of certain 21 impervious features down there that exist today, 22 and then some long-term legacy enhancements in the 23 form of conservation easements. 24 ELIZABETH ROGERS: And just building on 25 your previous testimony earlier, is one of the</p>
<p style="text-align: right;">82</p> <p>1 capabilities at appropriate densities. As 2 previously testified, we proffered in the binding 3 elements 15 percent MPDUs to achieve or 4 demonstrate this recommendation as well as showing 5 multiple building typologies that achieve that 6 goal. The townhouses are part of that discussion, 7 multifamily versus townhouse and/or fee simple 8 ownership. 9 Another element is to provide an 10 appropriate transition of the surrounding 11 residential development by locating the taller 12 buildings on the northwestern portions of the 13 property and to step down closer to the single 14 family neighborhood. That's the purpose and goal 15 of two things. 16 One is the binding element of the 17 45-foot height restriction within a hundred feet 18 of the eastern property line. The other is sort 19 of baked into the underlying CRF compatibility 20 requirements, and I have an exhibit that shows 21 that, sort of a belts and suspenders approach to 22 compatibility here. 23 So in addition to the forest, in 24 addition to the height restrictions there's even 25 one more. There's a setback requirement. As I</p>	<p style="text-align: right;">84</p> <p>1 sector plan recommendations to also promote 2 compact building footprints? 3 MATTHEW LEAKAN: It is, and I believe 4 that this plan represents a very compact 5 development pattern. 6 ELIZABETH ROGERS: Thank you. If we 7 can go to the next slide as Mr. Leakan continues 8 his testimony. Thank you. 9 MATTHEW LEAKAN: So there's other 10 property specific recommendations, and I 11 apologize, some of these are fairly redundant. As 12 I mentioned earlier, most of these sort of stem 13 from general plan to sector plan to individual 14 property and they sort of are affirmed through the 15 process and become more tailored and more 16 specific. 17 One of the specific recommendations for 18 the property is to ensure the -- encourage the 19 achievement of greater than minimum required 20 public use space through compact footprint, so 21 public use space is a requirement on this site of 22 10 percent. We're proposing 11 percent, so we 23 achieved that recommendation, again fairly 24 redundant but to protect and restore areas of 25 environmental buffer and investigate options for</p>

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<p style="text-align: right;">85</p> <p>1 stream reforestation with redevelopment. 2 Another is to provide as a priority the 3 CR zone public benefits of public open space to 4 retain the open and green character of the site 5 and affordable housing to obtain more than 12 and 6 a half percent required MPDUs. As I testified 7 previously, we proposed 15 percent in MPDUs 8 achieving this recommendation, and as I just 9 mentioned we're proposing 11 percent of public 10 open space on top of the 10 percent -- I'm sorry, 11 instead of the 10 percent required we're proposing 12 11 percent total. 13 Preserve as much existing tree canopy 14 as possible through our compact development 15 footprint, through other strategies, flexibility 16 with building setbacks on the interior of the 17 property, and as testified to previously from Mr. 18 Allison I believe we are meeting that 19 recommendation, and this one is an important one. 20 It's to connect new internal streets with Erskine 21 and/or Wallace Avenues. 22 These are the two public roads that 23 exist on the eastern margin of the property, 24 Erskine being the northerly road, Wallace being 25 the southerly, and then of course there was</p>	<p style="text-align: right;">87</p> <p>1 Randall, the traffic engineer. 2 HEARING EXAMINER BYRNE: Okay. Thank 3 you. 4 MATTHEW LEAKAN: Then additionally, and 5 this one also is important, I referenced it 6 earlier, it talks about constructing a hiker/biker 7 path between Randolph Road and the existing 8 Wheaton Regional Park's hard surface trail 9 network. 10 There was extensive coordination 11 between the applicant, park and planning and parks 12 department on discerning how that might happen 13 given that Starling Drive paper the right of way 14 and the parcel identified as P848 for content 15 adjacent to Wheaton Regional Park meant that we're 16 not technically contiguous. So we don't have 17 rights or we can't gain access through those 18 areas, and so we cannot technically provide a 19 contiguous connection to Wheaton Regional Park. 20 However, we have proposed and park and 21 planning supported an alternative path connection 22 which would be to connect through our development. 23 As shown on our floating zone plan where it's 24 labeled existing parking lot that's effectively 25 where the hiker/biker trail is proposed to be</p>
<p style="text-align: right;">86</p> <p>1 Starling which is not mentioned given its paper 2 right of way status. The applicant -- we do do 3 diligence and looked at creating connections to 4 both of those roads. 5 The master plan recommends, one -- I'm 6 sorry. It says and/or I believe is the correct 7 language. It was determined that given all of the 8 associated benefits with the environmental policy 9 recommendations of creating contiguous forest, et 10 cetera, which happens to exist along Wallace, and 11 given the fact that the topography and the 12 topographic relief there was very difficult, we 13 viewed that as being infeasible and Erskine 14 Avenue, in fact, had a lot more desirability in 15 terms of being able to extend the street grid as 16 recommended in the sector plan. 17 HEARING EXAMINER BYRNE: So what you're 18 saying is that connection to the existing Erskine 19 through the development is because of the sector 20 plan? 21 MATTHEW LEAKAN: It's because of the 22 sector plan, yes, but it's also in my professional 23 opinion good planning practice. Whenever you can 24 extend and create redundancy in the street 25 network, and perhaps this is best described by Ms.</p>	<p style="text-align: right;">88</p> <p>1 extended from Wheaton Regional Park. 2 ELIZABETH ROGERS: Thank you. And just 3 at the risk of being repetitive just to clarify 4 for the record I just wanted to note or ask you to 5 reiterate if the connection to Erskine is 6 specifically recommended by the master plan, and 7 as we'll touch on the findings momentarily, that 8 an obligation of the Local Map Amendment is that 9 this project be in substantial conformance with 10 those goals and recommendations? 11 MATTHEW LEAKAN: That's correct. It's 12 -- the connection is very specific to connecting 13 internal streets to Erskine and/or Wallace Avenue. 14 ELIZABETH ROGERS: Thank you. And was 15 that connection important to park and planning 16 staff and the planning board in their review and 17 recommendation of this application? 18 MATTHEW LEAKAN: It was, and that is 19 described in their staff report. 20 ELIZABETH ROGERS: Thank you. Are 21 there relevant design guidelines that are 22 applicable to the subject property? 23 MATTHEW LEAKAN: Yes, there are. 24 ELIZABETH ROGERS: And have you 25 reviewed those?</p>

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<p style="text-align: right;">89</p> <p>1 MATTHEW LEAKAN: I have. 2 ELIZABETH ROGERS: Based on your review 3 of the design guidelines in your professional 4 opinion does the project conform with those 5 recommendations? 6 MATTHEW LEAKAN: It does. I can 7 highlight a few of those. Again I'm trying not to 8 be redundant, but frankly a lot the 9 recommendations and design guidelines have a 10 tendency to be fairly redundant. 11 One of those was related to 12 neighborhood open space. We have proposed a 13 one-acre park in the center of the property as 14 part of our public use space requirement or public 15 open space requirement. The transition heights, 16 which as I get into the compatibility exhibit 17 forthcoming I can describe in more detail that 18 belts and suspenders approach that both the sector 19 plan and the design guidelines and park and 20 planning staff were keen on ensuring was included 21 as a binding element of this application. 22 The circulation network, again I've 23 already testified to that. Habitat preservation 24 and restoration, I've testified to that. The 25 parking impacts and the visual impacts, parking</p>	<p style="text-align: right;">91</p> <p>1 MATTHEW LEAKAN: I am. 2 ELIZABETH ROGERS: Now I'm going to ask 3 a series of questions based on your knowledge of 4 the ordinance, your familiarity with the project 5 and your professional expertise. Section 59.5.1.2 6 sets forth the intents and purposes of the 7 floating zones. Did you evaluate those in 8 connection with this application? 9 MATTHEW LEAKAN: I did. 10 ELIZABETH ROGERS: Can you please 11 describe in your professional opinion how the 12 project satisfies the three different intents that 13 are set forth in section 5.1.2 of the zoning 14 ordinance? 15 MATTHEW LEAKAN: So the intent of the 16 floating zones, the first one is to implement 17 comprehensive planning objectives, and there are 18 subsets described in the code, one of them being 19 furthering the goals of the general plan and/or 20 sector plan. As I've testified to previously, 21 this plan embodies a number of those goals and 22 objectives. 23 One of the other items enumerated in 24 the comprehensive planning objectives is to ensure 25 that proposed uses are in balance with and</p>
<p style="text-align: right;">90</p> <p>1 structures, I've also testified to that. 2 ELIZABETH ROGERS: Thank you. And is 3 the -- some of the more detailed elements of the 4 project's conformance with the sector plan and the 5 design guidelines in the land use report that you 6 testified was part of your job in preparing this 7 LMA application? 8 MATTHEW LEAKAN: That's correct. 9 ELIZABETH ROGERS: Thank you. And did 10 the Maryland-National Capital Park and Planning 11 Commission staff and the planning board in making 12 a recommendation for approval of this Local Map 13 Amendment agree with your conclusions that the 14 project is in substantial conformance with the 15 goals and recommendations of the sector plan and 16 design guidelines? 17 MATTHEW LEAKAN: They did. 18 ELIZABETH ROGERS: We would just note 19 again for the record that's Exhibit 46 in the 20 record. Moving on to some of the development 21 standards if you can go back one slide. Thank 22 you. Are you familiar with the zoning ordinance 23 for Montgomery County, including its provisions 24 related to the commercial residential floating 25 zone?</p>	<p style="text-align: right;">92</p> <p>1 supported by the existing and planned 2 infrastructure in a public facilities requirement. 3 I believe that this development application is in 4 balance and supported by the existing and planned 5 infrastructure and public facilities. I believe 6 the civil engineer is going to testify related to 7 that aspect as well. 8 Another criterion of the comprehensive 9 planning objectives is to allow for design 10 flexibility to integrate development and 11 circulation networks laying these patterns and 12 natural features. That to me demonstrates the 13 need or desire from a planning perspective, for 14 example, to connect into Erskine Avenue to create 15 the contiguous characteristics of the stream 16 valley buffer that we are proposing and the forest 17 conservation preservation and plantings. 18 Another criterion is to encourage the 19 appropriate use of land by providing flexibility, 20 respond to changing economics, demographics and 21 planning trends as the applicant himself has 22 testified to -- related to the purpose of this 23 development application. I think he's covered 24 that fairly well. To encourage the appropriate 25 use of land by allowing various uses, building</p>

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<p>93</p> <p>1 types and densities to serve diverse populations. 2 I've testified to that as well. 3 With the building typologies as well as 4 the moderately priced dwelling units being 5 proposed, and as testified to by the applicant for 6 the potential for future coordination between the 7 department of housing, community affairs, rental 8 agreement for serving other segments of annual 9 median income I believe that also conforms. 10 Another criteria is to ensure the 11 development satisfies basic sustainability 12 requirements, open space standards and 13 environmental protection. I testified to how we 14 meet those. Ensure protection of established 15 neighborhoods by establishing compatible 16 relationships through limiting some applicability, 17 density and uses. 18 That was demonstrated through the 19 hundred foot -- the binding element for the 20 hundred foot area where 45-foot building height 21 buildings would be constrained to as well as other 22 compatibility relationships with the forest 23 conservation that I described previously. Provide 24 development standards. We've provided those on 25 the floating zone application. Allow design</p>	<p>95</p> <p>1 pertinent commercial use would be allowed up to 2 5,000 square feet I believe is in our development 3 finding agreement. Yeah, and actually we're 4 calling it nonresidential use, not commercial. 5 The final purpose of the floating zone 6 is to provide mixed use development that is 7 compatible with adjacent development, so as I 8 demonstrated from a land use perspective the 9 aggregation of open space requirements, the forest 10 conservation, the binding element for buffers, 11 setbacks, et cetera, I believe we meet that 12 purpose of the floating zone. 13 ELIZABETH ROGERS: Thank you very much. 14 I would now like to ask you some questions 15 regarding the applicability of a commercial 16 residential floating zone to this property. 17 Section 5.1.3A of the zoning ordinance prohibits a 18 floating zone from being approved for a property 19 that's located in ag or rural residential zone. 20 Is this property located in an ag or rural 21 residential zone? 22 MATTHEW LEAKAN: It is not. 23 ELIZABETH ROGERS: Thank you. And is a 24 floating zone recommended for the property in the 25 master plan?</p>
<p>94</p> <p>1 flexibility to provide mitigation of any negative 2 impacts. I think we've demonstrated that as well. 3 ELIZABETH ROGERS: Thank you. Section 4 5.3.2 sets forth the purposes of the CR floating 5 zones. Can you please describe how the project 6 satisfies those enumerated purposes? 7 MATTHEW LEAKAN: Those purposes are to 8 allow development of a mixed used center in a 9 range of densities and heights. As I've testified 10 to previously, the 75-foot height limit on the 11 property is designed such that the greater heights 12 are aggregated closer to Randolph Road, to Georgia 13 Avenue with a tapering transition of development 14 heights to our east and to our south. 15 The densities will also generally taper 16 in that same pattern, especially if townhouses, 17 for example, were to be included on any of these 18 portions of the property. Additionally, the 19 purpose of the floating zone is to allow 20 flexibility in uses for a site. 21 While we do think that the residential 22 character of the site is very important from a 23 compatibilities perspective, we also recognize 24 that with this many units and with a shopping 25 center across the street that some very small or</p>	<p>96</p> <p>1 MATTHEW LEAKAN: Yes, the master plan 2 recommends a floating zone application for the 3 property of CRF-1.75, C-.25, R-1.5, height 75 4 feet. It further goes on to recommend the 5 potential for either the CRN floating zone, 6 CRNF-1.5, C-.25, R-1.5, H-45, but it also includes 7 or similar zones. 8 This application does not propose to 9 split zone the property to a CRF and a CRNF as one 10 of the options. Instead, as working through with 11 park and planning staff it was determined that we 12 could achieve the same policy objectives of 13 compatibility by creating that hundred foot zone 14 of influence for our building heights in lieu of a 15 split zone properties which adds complexity and 16 other potential difficulties. 17 It is worth noting that the CRF is a 18 more stringent zoning category on the applicants 19 we have given that most of the density needs to be 20 correlated with public benefit points. That may 21 not be required for the CRNF zone, so all in all 22 park and planning staff, the applicant, we believe 23 that the binding element is a better land use 24 solution. 25 ELIZABETH ROGERS: And just to clarify</p>

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<p style="text-align: right;">97</p> <p>1 for the record exactly what you just testified to, 2 and it is referenced in the sector plan on page 29 3 to rezone the property to the CR zone as you 4 spelled it out and the CRN or similar zones with 5 the CRN creating a hundred foot wide buffer along 6 the entire eastern property line. 7 We have -- you as you're testifying to 8 have accomplished that exact objective through a 9 binding element, correct? 10 MATTHEW LEAKAN: That's correct. 11 ELIZABETH ROGERS: Thank you. How are 12 the development standards handled under the CR 13 floating zone? 14 MATTHEW LEAKAN: The CR floating zone 15 development standards are generally flexible given 16 the purpose intended for the underlying zone. 17 However, there are certain criteria and exceptions 18 related to maximum density and external setbacks 19 and open space which we've clarified and testified 20 to already. 21 ELIZABETH ROGERS: Thank you. And how 22 will the project satisfy the open space 23 requirements for the CRF zone? I need to go to 24 the next slide. 25 MATTHEW LEAKAN: The -- excuse me. So</p>	<p style="text-align: right;">99</p> <p>1 Right there. Thank you very much. This is a 2 reproduction from Exhibit 39 in the record. Do 3 the compatibility requirements in section 4.1.8 of 4 the code apply to this property? 5 MATTHEW LEAKAN: It does. 6 ELIZABETH ROGERS: And can you please 7 describe how the proposed project conforms with 8 those requirements? 9 MATTHEW LEAKAN: Sure. So I'll start 10 on the eastern margin of the property. The 11 compatibility requirements as part of the code 12 require that a setback first established be equal 13 to the setback of the adjacent zone for a detached 14 home in that zone, in this case a 25-foot setback 15 so one and a half times the distance, so that 16 would be 37.5 feet would establish the east 17 setback for any buildings along our eastern 18 property boundary. 19 This application proposes 45 feet which 20 is an increase of approximately seven and a half 21 feet. Further, the -- there is a layback slope 22 requirement. The layback slope requirement is 23 effectively a 45-degree plane as indicated on the 24 exhibit in the dark green line which regulates 25 building height on a 45-degree plane, as I</p>
<p style="text-align: right;">98</p> <p>1 the open space plan as shown before you is fairly 2 self-evident. There's two colors. The green 3 color is the public open space requirement, which 4 when you do the calculation of the CR zone is 10 5 percent of the net lot area. The green as 6 represented is approximately 11 percent of the net 7 lot area, therefore more in meeting and conforming 8 to the requirement. 9 The brown area are individual smaller 10 open space areas for private open space. 11 Obviously there's going to be a lot more than 12 that, but that's also clarified on this exhibit. 13 ELIZABETH ROGERS: Thank you. And will 14 the open space be finalized during subsequent 15 regulatory reviews in terms of like the exact 16 design and configuration of it? 17 MATTHEW LEAKAN: That's correct. 18 ELIZABETH ROGERS: Go to the next 19 slide, please. I'm sorry. At the top of each of 20 these it says that they're reproductions, but I 21 haven't been mentioning that but this is just a 22 reproduction, is that -- and actually I think one 23 more. 24 One more slide. Maybe we missed one. 25 If you can go back it was slide eight, I thought.</p>	<p style="text-align: right;">100</p> <p>1 mentioned, which starts from a height of the 2 maximum allowable height in the adjacent single 3 family detached zone. 4 If a 35-foot building height is allowed 5 in a single family detached zone we would start 6 with a 35-foot height along our east setback and 7 strike a 45-degree plane. That further seeks to 8 limit any height intrusion for provision of light 9 in there to those existing single family homes. 10 Additionally, you can see the graphic 11 taken directly from the Glenmont Sector Plan 12 design guidelines on this exhibit showing the 13 cross-section, effectually the same intent as I've 14 described numerous times here, the single family 15 houses in the R-90 zone on the east side of, the 16 Glenmont Forest properties on the west side 17 showing a 75-foot height maximum all aggregated to 18 the far west portion of the property with a 19 45-foot height maximum within the hundred foot 20 setback zone. 21 And again as I say the belt and 22 suspenders approach here is not only is the height 23 limited, but there's no buildings allowed within 24 45 feet of that property line, so -- 25 ELIZABETH ROGERS: And just before you</p>

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<p>101</p> <p>1 move on to the other one just to clarify for the 2 record is that a conservative approach to be 3 treating that property as a rear property boundary 4 instead of a side property boundary for purposes 5 of setting that setback which then influences the 6 layback slope? 7 MATTHEW LEAKAN: It's very 8 conservative. Twenty-five feet is the largest 9 setback of any of the setbacks required in a 10 single family zone, so it could be made -- an 11 argument could be made that that's a side, but 12 again from the belts and suspenders approach we 13 agreed with park and planning staff to hold 25 14 foot as the threshold -- I'm sorry, the rear 15 setback as a threshold. 16 ELIZABETH ROGERS: Thank you. 17 MATTHEW LEAKAN: So additionally we did 18 the same exercise on the south, again slightly 19 higher intensity use to the south. That's an RT 20 zone, residential townhouse zone. I believe 21 that's an RT-15 if I'm not mistaken. It's 15 22 dwelling units per acre, slightly higher intensity 23 but same methodology but with a side required. 24 So the side required in the adjacent 25 zone is 20 feet. You multiply that times one and</p>	<p>103</p> <p>1 treated, either wrapped by the multifamily 2 buildings or architecturally treated, and in the 3 case of townhouses integral garage. 4 ELIZABETH ROGERS: And the floating 5 zone plan shows parking requirements generally 6 based on the requirements in section 6.2.4. 7 During the review process of this Local Map 8 Amendment application did the county council pass 9 a zoning text amendment that would further reduce 10 the minimum parking that's required on this site? 11 MATTHEW LEAKAN: That's correct, it 12 allows the project to provide fewer than the 13 minimum parking requirements given the project's 14 proximate -- I'm sorry, proximity access to the 15 metro and its residential use. 16 ELIZABETH ROGERS: For the record 17 that's zoning text amendment 23-10. Are public 18 benefits required for the proposed project? 19 MATTHEW LEAKAN: That's -- yes, they 20 are. 21 ELIZABETH ROGERS: And will those 22 public benefits be formalized at a later step in 23 the review process? 24 MATTHEW LEAKAN: That's correct. I 25 believe at sketch plan public benefit points will</p>
<p>102</p> <p>1 a half feet to come up with 30 feet. That 2 establishes our 30-foot setback. It's labeled as 3 a BRL which is effectively the same thing, 4 building restriction line. I'm referencing a 5 setback but it's really BRL. They're synonymous. 6 And then that also shows how the 7 45-degree angular plane is measured from the 8 maximum 35-foot building height to limit height 9 encroachments into that air and space of the 10 adjacent RT zone. 11 ELIZABETH ROGERS: Thank you. And if 12 you go to the next slide. Perfect. Again just a 13 refreshment of Exhibit 30 will adequate parking be 14 provided onsite to accommodate the proposed 15 development? 16 MATTHEW LEAKAN: Yes, it will. The 17 property -- as I say, this floating zone 18 application is conceptual at this time. However, 19 the project will provide adequate parking on the 20 site to accommodate all users of the property, and 21 that will be determined in subsequent development 22 applications. 23 Parking will be provided through 24 on-street parking and an above-grade structured 25 parking that will be visually concealed and</p>	<p>104</p> <p>1 be discerned. 2 ELIZABETH ROGERS: The categories will 3 be set at sketch plan and then site plan, the 4 specific point numbers will be assigned? 5 MATTHEW LEAKAN: That's correct. 6 ELIZABETH ROGERS: Thank you. 7 HEARING EXAMINER BYRNE: I have a 8 question about the sketch plan. Is there any 9 public participation at that point, are people 10 going to submit comments so as the plan furthers 11 and develops and it's before planning will the 12 public have an opportunity to review and comment? 13 MATTHEW LEAKAN: My understanding is 14 the sketch plan process is a public process. 15 HEARING EXAMINER BYRNE: Okay. Thank 16 you. 17 ELIZABETH ROGERS: So just for the 18 record, there will be -- sketch -- preliminary and 19 site plans are required for all public hearing 20 processes with the planning board. 21 HEARING EXAMINER BYRNE: Okay. I just 22 wanted to put that out there. 23 ELIZABETH ROGERS: Did 24 Maryland-National Capital Planning Commission 25 staff and the planning board agree with your</p>

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<p>105</p> <p>1 evaluation that the proposal meets the development 2 standards of the CRF zone? 3 MATTHEW LEAKAN: Yes, they did. 4 ELIZABETH ROGERS: Thank you. I'm 5 sorry. 6 MATTHEW LEAKAN: That's correct. Staff 7 did find that the project will meet the 8 development standards of the CRF-1.75, C-.25, 9 R-1.5, H-75 zone. 10 ELIZABETH ROGERS: And did the planning 11 board in their transmittal letter adopt staff's 12 recommendations and findings? 13 MATTHEW LEAKAN: It did. 14 ELIZABETH ROGERS: Thank you. In your 15 professional opinion does the proposed floating 16 zone satisfy all applicable zoning code 17 requirements? 18 MATTHEW LEAKAN: Yes, it does. 19 ELIZABETH ROGERS: Next we'll turn to 20 some questions regarding the Local Map Amendment 21 requirements including -- and findings including 22 match up and compliance. As you know a zoning map 23 change to apply floating zone to individual 24 property requires approval of a Local Map 25 Amendment.</p>	<p>107</p> <p>1 facilitate redevelopment of the aging multifamily 2 community with desirable new housing in close 3 proximity to existing infrastructure with 4 amenities, compatible commercial uses and transit, 5 in addition to all of the many other pertinent and 6 required regulatory requirements such as modern 7 storm water management, such as forest 8 conservation, things that will be required at a 9 development application for the public interest. 10 ELIZABETH ROGERS: And as expressed 11 through the county's goals as expressly a sector 12 plan and then remarks that are made by the 13 planning board at our public hearing on May 30th 14 is it a fair characterization to say that the 15 redevelopment of Glenmont is a priority of the 16 county? 17 MATTHEW LEAKAN: It is a priority of 18 the county and has been for some time. As I 19 stated earlier, going back to the old general plan 20 the new general plan Thrive and the current sector 21 plan has always been a goal to direct or 22 incentivise development of the county near its 23 transit facilities predominantly, but also in its 24 corridors. 25 And Georgia Avenue in particular is a</p>
<p>106</p> <p>1 The district council must approve the 2 Local Map Amendment and make specific findings in 3 connection with the applications set forth in 4 59.7.2.1.E. Have you had an opportunity to review 5 these criteria and evaluate the Local Map 6 Amendment under these criteria? 7 MATTHEW LEAKAN: Yes, I have. 8 ELIZABETH ROGERS: Taking the first one 9 with respect to section 7.2.1.E.2.A, it requires 10 the proposed floating zone to substantially 11 conform with the recommendations of the applicable 12 master plans, general plan and other applicable 13 county plans. Have you had an opportunity to 14 review the plans in this context? 15 MATTHEW LEAKAN: I have, and as I 16 previously testified the application substantially 17 conforms to the goals and recommendations of the 18 Glenmont Sector Plan. 19 ELIZABETH ROGERS: Thank you. Section 20 7.2.1.E.2.B requires that the proposed floating 21 zone plan further the public interest. In your 22 professional opinion is this project in the public 23 interest? 24 MATTHEW LEAKAN: Correct, I do believe 25 it is. The proposed floating zone plan will</p>	<p>108</p> <p>1 corridor that's planned to have additional transit 2 services such as the bus route to transit system 3 which will supplement the existing Ride On, the 4 existing metro bus, the existing metro service, so 5 it's planned for even more transit service 6 accessibility in the future. 7 ELIZABETH ROGERS: Thank you. Section 8 7.2.1.E.2.C requires the proposed floating zone 9 plan satisfy the intent, purposes and standards of 10 the CR floating zone to comply with the purposes, 11 standards or requirements of the zoning ordinance. 12 Can you reiterate your previous testimony 13 regarding how the project satisfies this 14 requirement? 15 MATTHEW LEAKAN: Yeah. I mean, I've 16 testified many of these are fairly redundant, so I 17 believe the project complies with the purposes, 18 standards and requirements of the CR floating zone 19 as well as the applicable development standards. 20 ELIZABETH ROGERS: Thank you. Section 21 7.2.1.E.2.D requires the proposed floating zone 22 plan be compatible with existing and approved 23 adjacent development. I know you've already 24 testified to this some, but can you please explain 25 in your professional opinion how the project</p>

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<p>109</p> <p>1 satisfies this requirement? 2 MATTHEW LEAKAN: The testimony I've 3 provided previously I think covers it fairly well, 4 but largely the compatibility I think covers the 5 spectrum of the existing environmental conditions 6 as Mr. Steve Allison testified to, our ability to 7 provide and save a lot of that existing forest as 8 well as to propose in our forest conservation 9 plan, thereby using other public policy 10 requirements to achieve multiple policy goals, in 11 this case compatibility I think is going above and 12 beyond frankly, and I believe that the binding 13 conditions relative to the maximum building height 14 and the extra distance put forth in the minimum 15 setback is also demonstrative of that requirement. 16 ELIZABETH ROGERS: Thank you. Section 17 7.2.1.E.2.E. requires the floating zone plan will 18 not generate traffic as to not exceed the critical 19 lane volume. That's something our expert Nancy 20 Randall will testify to. Section 7.2.1.E.2.F. 21 requires a finding that the proposed floating zone 22 plan will not adversely affect the character of 23 the surrounding neighborhood. Is this finding met 24 by this application? 25 MATTHEW LEAKAN: No.</p>	<p>111</p> <p>1 support the proposed development of the property 2 at the time of preliminary plan. That's when the 3 APF is tested. 4 School capacity, the property is served 5 by Glenallan Elementary School, Odessa Shannon 6 Middle School and John F. Kennedy High School. 7 Current fiscal year '24 subdivision staging policy 8 schools test indicates that all preschools are 9 operating within an adequate capacity. As such, 10 there is adequate school capacity to accommodate 11 the project and no utilization premium payments 12 are currently required. 13 ELIZABETH ROGERS: Thank you. And did 14 Maryland-National Capital Planning Commission 15 staff and the planning board agree with your 16 conclusion that there are adequate public 17 facilities and school capacity to serve the 18 proposed development? 19 MATTHEW LEAKAN: They did. 20 ELIZABETH ROGERS: And will a formal 21 adequate public facilities determination be made 22 at the time of the preliminary plan? 23 MATTHEW LEAKAN: It will. 24 ELIZABETH ROGERS: Thank you. In your 25 professional opinion does the proposed floating</p>
<p>110</p> <p>1 ELIZABETH ROGERS: Or applicable, 2 sorry. Yeah. 3 MATTHEW LEAKAN: No, the property is 4 currently zoned R-30 which is not a residential 5 detached zone. 6 ELIZABETH ROGERS: Thank you. So in 7 summary in your professional opinion -- is it your 8 professional opinion that the floating zone 9 satisfies and permits the district council to make 10 the necessary findings as set forth in section 11 7.2.1? 12 MATTHEW LEAKAN: Yes. 13 ELIZABETH ROGERS: Just a few 14 miscellaneous questions and then we'll be 15 concluding with this witness. Did you have an 16 opportunity to review the floating zone plan in 17 connection with its impact on public facilities? 18 MATTHEW LEAKAN: I did. I believe the 19 public facilities are adequate to support the 20 service of the proposed development as discussed 21 above. A preliminary plan will be filed 22 subsequent to this Local Map Amendment approval. 23 As such, the Montgomery County Planning Board will 24 be responsible for ultimately determining whether 25 APF, that is adequate public facilities, exist to</p>	<p>112</p> <p>1 zone plan satisfy all applicable code 2 requirements? 3 MATTHEW LEAKAN: It does. 4 ELIZABETH ROGERS: And do you agree 5 with the findings that were made by park and 6 planning staff in their staff report and the 7 planning board in their transmittal letter 8 recommending approval? 9 MATTHEW LEAKAN: Yes. 10 ELIZABETH ROGERS: Anything else you 11 would like to add? 12 MATTHEW LEAKAN: No, I have nothing 13 else to add. 14 ELIZABETH ROGERS: Thank you. 15 HEARING EXAMINER BYRNE: Okay. I don't 16 have any questions, further questions for this 17 witness. Thank you. 18 ELIZABETH ROGERS: Thank you. 19 HEARING EXAMINER BYRNE: So if you'd 20 like to call -- just what I'd like to try to do is 21 see if we can get through the entire case for the 22 applicant before we take a break, and then when we 23 take a break we'll assess where we are in time. 24 I'd like to try to finish today so I might ask to 25 get an idea of where things stand. So if that's</p>

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<p>113</p> <p>1 all right with everybody we'll keep going. How 2 much longer do you think -- you have two 3 witnesses? 4 ELIZABETH ROGERS: We have two 5 witnesses left. 6 HEARING EXAMINER BYRNE: Do you think 7 an hour? 8 ELIZABETH ROGERS: Yes. 9 HEARING EXAMINER BYRNE: All right. So 10 then what we'll -- that'll put us -- our break 11 like right around 12:30, so we'll go ahead and 12 finish the applicant's case in chief and that'll 13 hopefully leave us enough time this afternoon for 14 any kind of opposition testimony. 15 ELIZABETH ROGERS: Great. 16 HEARING EXAMINER BYRNE: All right. 17 ELIZABETH ROGERS: Thank you. 18 SARA MONTANEZ: May I say something? 19 HEARING EXAMINER BYRNE: Let me see. 20 Let's put the -- hold on one second. Let's put 21 the exhibit down and let's see who is talking. 22 SARA MONTANEZ: Yeah, this is Sara 23 Montanez from Wallace, a homeowner. I just -- 24 this is taking too long for some of us who go to 25 work, and I don't know if we could -- some of the</p>	<p>115</p> <p>1 exhibit, but -- so make sure you sign it, scan it, 2 send it to me. 3 SARA MONTANEZ: Okay. I will. Thank 4 you. 5 HEARING EXAMINER BYRNE: Thank you. 6 All right. So I think we're moving on. If you 7 can raise your right hand. Do you swear to tell 8 the truth, the whole truth, and nothing but the 9 truth? 10 RANDALL RENTFRO: Yes. 11 HEARING EXAMINER BYRNE: Okay. 12 ELIZABETH ROGERS: Thank you. Our next 13 witness is Randall Rentfro. He has not previously 14 been qualified as an expert before this body, so 15 we're going to proceed with a line of questioning 16 to be qualified as an expert in the field of civil 17 engineering. Can you please state your full name 18 and primary occupation? 19 RANDALL RENTFRO: Would you like me to 20 spell it? 21 HEARING EXAMINER BYRNE: Oh, yes. 22 ELIZABETH ROGERS: That would be great. 23 Thank you. 24 HEARING EXAMINER BYRNE: I forgot that 25 part. Please spell your full name for the benefit</p>
<p>114</p> <p>1 ones who are in school and going to leave. Will 2 this -- the -- our testimony be presented sometime 3 later or some other day because this is already 4 taking an extremely long time? 5 HEARING EXAMINER BYRNE: What we can 6 do, what another option is is if you would like to 7 type up or draft whatever your testimony would be 8 I'll hold the record open for you to submit that 9 within the next 10 days if you don't have the 10 possibility to stay to actually testify. 11 SARA MONTANEZ: Yeah, I believe that 12 will work for me. 13 HEARING EXAMINER BYRNE: Okay. So what 14 I would ask that you do is that you write up what 15 you wanted to say, sign it, like a real actual 16 signature, not your typed name because we can't 17 accept anything that doesn't have a real actual 18 signature, and you can E-mail it to 19 ozah@montgomerycountymd.gov. 20 So that -- this holds true for anyone 21 that is on Zoom that cannot stay to testify. You 22 may go ahead and submit that, but please note I 23 need some kind of signature because if you just 24 send it to me in an E-mail and you have your name 25 typed per our rules I can't admit that as an</p>	<p>116</p> <p>1 of our court reporter. 2 RANDALL RENTFRO: My name is Randall 3 Rentfro, R-A-N-D-A-L-L, last name Rentfro, 4 R-E-N-T-R, F as in Frank, R-O, and I'm a 5 professional engineer. 6 ELIZABETH ROGERS: Thank you. And how 7 long have you been employed as a professional 8 engineer? 9 RANDALL RENTFRO: How about for over 20 10 years. 11 ELIZABETH ROGERS: And can you please 12 describe your professional and educational 13 background and any professional designations or 14 accreditations that you've received? 15 RANDALL RENTFRO: Sure. So I graduated 16 from the University of Maryland with a bachelor's 17 of science in civil engineering in 2012. I 18 graduated with a master's in 2016, a master's of 19 engineering in project management. I received my 20 professional engineering license in 2016, and I 21 have been employed as a civil engineer since 2012. 22 ELIZABETH ROGERS: Thank you. And you 23 mentioned getting your license. Are you licensed 24 in Maryland as a professional engineer? 25 RANDALL RENTFRO: I am licensed in</p>

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<p>1 Maryland and the District of Columbia. 2 ELIZABETH ROGERS: Thank you. And who 3 is your current employer and what's your 4 employer's full business address? 5 RANDALL RENTFRO: Rodgers Consulting, 6 19847 Century Boulevard, Suite 200, Germantown, 7 Maryland. 8 ELIZABETH ROGERS: And what's your 9 current position at Rodgers? 10 RANDALL RENTFRO: I am the team leader 11 -- I'm a senior associate and the team leader of 12 Montgomery County, so I receive all entitlement, 13 permitting and construction support for various 14 land development projects within the firm in 15 Montgomery County. 16 ELIZABETH ROGERS: And have you ever 17 testified for the Montgomery County Office of 18 Zoning Administrative Hearing? 19 RANDALL RENTFRO: No. 20 ELIZABETH ROGERS: Have you testified 21 as an expert with other agencies? 22 RANDALL RENTFRO: No. 23 ELIZABETH ROGERS: But are you familiar 24 with the zoning ordinance in Montgomery County, 25 including its provisions for uses and development</p>	<p>117 1 requirements for land development, forest 2 conservation and storm water management like you 3 testified? 4 RANDALL RENTFRO: Yes. 5 ELIZABETH ROGERS: So Mr. Rentfro's 6 resume is in the record as Exhibit 26, and we 7 would request that he be admitted as an expert in 8 civil engineering. 9 HEARING EXAMINER BYRNE: Admitted. 10 ELIZABETH ROGERS: Thank you. Mr. 11 Rentfro, are you familiar with the Local Map 12 Amendment application before the hearing examiner 13 today? 14 RANDALL RENTFRO: Yes, I am. I'm 15 sorry. 16 ELIZABETH ROGERS: That's okay. 17 RANDALL RENTFRO: I have a toddler so 18 that's how this goes. I assisted with preparation 19 of the Local Map Amendment application and the 20 floating zone plan. In terms of LMA H-149 as 21 testified by my colleagues we seek to rezone 31.9 22 acres of the property located at 2300 Glenmont 23 Circle from R-30 to the CRF zone, CRF-1.75, C-.25, 24 R-1.5, a height of 75 feet to accommodate for the 25 property's redevelopment to mixed use which is</p>
<p>118 1 in a CRF zone? 2 RANDALL RENTFRO: Yes, I am. I've 3 worked on multiple land development projects in 4 Montgomery County which require familiarity with 5 zoning ordinances, subdivision ordinances and 6 various other codes that are involved. 7 ELIZABETH ROGERS: And are you familiar 8 with the Montgomery County code as it relates to 9 those that are relevant to site development? 10 RANDALL RENTFRO: Yes, I have developed 11 a strong working knowledge through the county code 12 over the past six years while I've been at Rodgers 13 Consulting involving several complex large 14 projects including the former Shiloh Farm property 15 in Boyd, also it's the 10-Mile Creek property, the 16 public -- excuse me, the redevelopment of the 17 former public safety training academy in 18 Darnestown and the Lipman West Farm to name a few. 19 I could list more if the court would like. 20 ELIZABETH ROGERS: Have you reviewed 21 the 2013 approved and adopted Glenmont Sector 22 Plan? 23 RANDALL RENTFRO: Yes, I have. 24 ELIZABETH ROGERS: And are you 25 otherwise familiar with Montgomery County's</p>	<p>119 1 consistent with the sector plan. 2 ELIZABETH ROGERS: Thank you. Can you 3 please describe your responsibilities with respect 4 to the Local Map Amendment application? 5 RANDALL RENTFRO: Yes. I participated 6 in the analysis of the existing site condition, 7 the suitability for the site for the proposed 8 development, including preparation of site layout 9 plans like the floating zone plan on the 10 television, water and sewer plans and the storm 11 water management strategy narrative. I also 12 assisted in the preparation of a land use report. 13 ELIZABETH ROGERS: Thank you. And have 14 you made -- have you and other members of your 15 firm made a personal inspection of the subject 16 property? 17 RANDALL RENTFRO: Yes, I have, and I've 18 been driving past it since I was a kid because 19 Stained Glass Pub has phenomenal pizza just off 20 the screen. 21 ELIZABETH ROGERS: Can you please 22 describe the vehicular access -- and for this 23 let's go to the next slide -- but describe the 24 vehicular access and circulation proposed for this 25 project?</p>

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<p>121</p> <p>1 RANDALL RENTFRO: Yeah, absolutely. So 2 there's three main access points to the site. As 3 today -- or as there are today there are two along 4 Randolph Road and one along Georgia Avenue. 5 Georgia Avenue is the southwest entrance and 6 Randolph Road is the two along the central core at 7 northeast corner. 8 Note the northeast entrance and the 9 southwest entrance are both right in/right out as 10 they are today, and the central or west exit along 11 Randolph Road is a full movement signalized 12 intersection. That's in the existing condition. 13 What we foresee is creating a grid as shown on 14 this diagram and system with a floating zone plan 15 in the record where we'll be utilizing the 16 majority of private streets. 17 We will also be adding a proposed 18 connection between Erskine Road and Randolph Road 19 which will be public. Excuse me. There will also 20 be proposed connections which again right now is 21 private on -- from the north/south to the future 22 police of what we assume one day will be the 23 future redevelopment of the police property and to 24 the south which is currently the HOC property. 25 Regarding pedestrian connections we are</p>	<p>123</p> <p>1 it and we expect it to continue to. 2 Please note as we get to the 3 preliminary plan that is when the Department of 4 Transportation will have the opportunity to review 5 the sight distance evaluation. Additionally, Ms. 6 Randall who will testify after me will go into 7 further detail on vehicular circulation and 8 access. 9 HEARING EXAMINER BYRNE: You said a 10 factor -- a safety factor of a hundred additional 11 -- 12 RANDALL RENTFRO: A hundred additional 13 feet, so -- 14 HEARING EXAMINER BYRNE: A hundred 15 additional feet. What does that mean? 16 RANDALL RENTFRO: So based on roadway 17 classification there's minimum sight distance 18 requirements, so if your road is a local road you 19 only need it to be -- and I'm taking this number 20 out of a hat -- 125 feet. In this condition we 21 would have 225 feet, so there's additional 22 viewshed that allows for safety. That's what it 23 is. 24 HEARING EXAMINER BYRNE: A hundred feet 25 in this?</p>
<p>122</p> <p>1 -- we don't have that material connection due to 2 the paper street and the private property, so we 3 are going to coordinate with the Housing 4 Opportunities Commission which is the owner to the 5 south to attempt to collaborate to find a 6 pedestrian connection to Wheaton Regional Park. 7 ELIZABETH ROGERS: And that park 8 connection Mr. Leakan testified to regarding its 9 infeasibility directly from our property to 10 Wheaton Regional Park, but the goal of that 11 connection through agency's property, is that to 12 satisfy one of the sector plan recommendations for 13 connectivity? 14 RANDALL RENTFRO: Yes, it is. 15 ELIZABETH ROGERS: Thank you. In your 16 professional opinion will vehicular access be safe 17 and adequate from a sight distance perspective? 18 RANDALL RENTFRO: Yes, as stated the 19 vehicular access points, yes, will be safe. As 20 stated we are reusing the existing entrances at 21 those locations on Randolph and Georgia Avenue and 22 from a sight distance analysis evaluation they all 23 are in conformance today and have a factor of 24 safety of at least a hundred additional feet, so 25 we -- based on the code today it absolutely meets</p>	<p>124</p> <p>1 RANDALL RENTFRO: Of a hundred feet in 2 excess of the requirement. 3 HEARING EXAMINER BYRNE: In excess of 4 the requirement. Okay. 5 RANDALL RENTFRO: Yes. 6 ELIZABETH ROGERS: And for the record 7 there are formal site distance evaluation forms 8 that are in the record. Would it be helpful for 9 the hearing examiner to pull one of those up to 10 explain that, or -- 11 HEARING EXAMINER BYRNE: I think that 12 would be helpful -- 13 ELIZABETH ROGERS: Okay. 14 HEARING EXAMINER BYRNE: -- because I 15 know the community has concerns over traffic, so I 16 think -- 17 RANDALL RENTFRO: Sure. 18 HEARING EXAMINER BYRNE: -- if we can 19 take that opportunity to walk through that, and 20 then when your next expert comes up I think she 21 can probably build on that. 22 ELIZABETH ROGERS: Okay. Thank you. 23 So if we could, I don't know, Randall, you can 24 choose which one you want, but pick -- 25 RANDALL RENTFRO: Let's pick 42 because</p>

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<p style="text-align: right;">125</p> <p>1 it's the one that --</p> <p>2 HEARING EXAMINER BYRNE: Okay. So</p> <p>3 we'll have to go out and go to Exhibit 42. Thank</p> <p>4 you.</p> <p>5 RANDALL RENTFRO: You know what, let's</p> <p>6 do 43.</p> <p>7 THE CLERK: 43?</p> <p>8 RANDALL RENTFRO: Yes, please.</p> <p>9 THE CLERK: All right.</p> <p>10 ELIZABETH ROGERS: And just to point</p> <p>11 out, and Ms. Randall will testify, certainly</p> <p>12 augment testimony, but Mr. Rentfro will be the --</p> <p>13 is our primary witness that will speak to sight</p> <p>14 distance, so any questions you have on sight</p> <p>15 distance are appropriately directed towards him.</p> <p>16 HEARING EXAMINER BYRNE: Okay.</p> <p>17 RANDALL RENTFRO: So --</p> <p>18 HEARING EXAMINER BYRNE: I'll make a</p> <p>19 note of that as well.</p> <p>20 STEVEN ROBINS: That Randall, not this</p> <p>21 Randall.</p> <p>22 RANDALL RENTFRO: Yes, we're both -- my</p> <p>23 first name is Randall, her last name is Randall.</p> <p>24 STEVEN ROBINS: Her last name is</p> <p>25 Randall.</p>	<p style="text-align: right;">127</p> <p>1 signalized intersection that's out there today.</p> <p>2 HEARING EXAMINER BYRNE: Okay.</p> <p>3 RANDALL RENTFRO: So as you can where</p> <p>4 -- so what sight distance is is it evaluates if</p> <p>5 you are sitting at an intersection and you look to</p> <p>6 the right and to the left do you have a clear</p> <p>7 viewshed of the requisite distance.</p> <p>8 So where you see target feet, 305 feet,</p> <p>9 you would need to go 305 feet away from I believe</p> <p>10 it's three and a half feet off the ground, which</p> <p>11 is if you were sitting in a car where your eye</p> <p>12 level would be, and then you extended that cord</p> <p>13 down the roadway is there any impediment to that,</p> <p>14 can you see up to 305 feet away.</p> <p>15 So that's what this evaluation is. In</p> <p>16 -- at that intersection today, and it's a</p> <p>17 signalized intersection, we have 500 feet as you</p> <p>18 look to the left and 518 feet as you look to the</p> <p>19 right. You also analyze this for vertical in</p> <p>20 addition to horizontal obstructions.</p> <p>21 ELIZABETH ROGERS: And if we can just</p> <p>22 quickly walk through maybe all three.</p> <p>23 RANDALL RENTFRO: Okay. Sure.</p> <p>24 ELIZABETH ROGERS: Would that happen</p> <p>25 helpful if we just put three for the record?</p>
<p style="text-align: right;">126</p> <p>1 ELIZABETH ROGERS: Mr. Rentfro.</p> <p>2 HEARING EXAMINER BYRNE: Got you. All</p> <p>3 right. I will work hard on keeping that straight.</p> <p>4 RANDALL RENTFRO: Okay. So regarding</p> <p>5 -- so what you're looking at is the form for</p> <p>6 Montgomery County's sight distance evaluation, and</p> <p>7 I acknowledge that it is small and I am wearing</p> <p>8 glasses and it does make it --</p> <p>9 HEARING EXAMINER BYRNE: Can you zoom</p> <p>10 it a little bit maybe --</p> <p>11 THE CLERK: Yeah.</p> <p>12 HEARING EXAMINER BYRNE: -- make it --</p> <p>13 THE CLERK: Hold on a second.</p> <p>14 HEARING EXAMINER BYRNE: Go back to</p> <p>15 like the plus.</p> <p>16 THE CLERK: Yeah.</p> <p>17 HEARING EXAMINER BYRNE: There we go.</p> <p>18 THE CLERK: There we go.</p> <p>19 HEARING EXAMINER BYRNE: You can see</p> <p>20 that.</p> <p>21 RANDALL RENTFRO: Okay. So if -- you</p> <p>22 know, it's not bad if we go back and forth, but on</p> <p>23 the floating zone plan street A is the central</p> <p>24 street that is located and connects to Randolph</p> <p>25 Avenue -- excuse me, Randolph Road, so that is the</p>	<p style="text-align: right;">128</p> <p>1 HEARING EXAMINER BYRNE: Yeah.</p> <p>2 ELIZABETH ROGERS: Yeah.</p> <p>3 HEARING EXAMINER BYRNE: Let's just do</p> <p>4 it.</p> <p>5 RANDALL RENTFRO: All right. So then</p> <p>6 we are going to go through -- start at 41, then</p> <p>7 42, 43 and 44. So 44 is the exhibit itself which</p> <p>8 would --</p> <p>9 ELIZABETH ROGERS: So do you have to go</p> <p>10 back to the exhibit list?</p> <p>11 HEARING EXAMINER BYRNE: Yeah.</p> <p>12 RANDALL RENTFRO: Yeah. So -- and</p> <p>13 honestly I can probably talk through that one.</p> <p>14 ELIZABETH ROGERS: That's great. Why</p> <p>15 don't we just talk through on here. So does --</p> <p>16 there's forms for each of them?</p> <p>17 HEARING EXAMINER BYRNE: Make that a</p> <p>18 little big, too, if you wouldn't mind.</p> <p>19 THE CLERK: This one?</p> <p>20 HEARING EXAMINER BYRNE: Yeah, and then</p> <p>21 we can scootch it around as you need it.</p> <p>22 RANDALL RENTFRO: Yeah. So street A in</p> <p>23 Randolph is the one we just looked at the exhibit</p> <p>24 for.</p> <p>25 ELIZABETH ROGERS: Uh-huh.</p>

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<p>129</p> <p>1 RANDALL RENTFRO: And that is the 2 signalized intersection with the police station to 3 the left. 4 ELIZABETH ROGERS: Uh-huh. 5 RANDALL RENTFRO: Erskine Avenue is to 6 the right, and that is the intersection of 7 Randolph Road that is in conformance and has 8 another set of -- I really want to say factor, 9 safety factors, a factor safety of additional 10 hundred feet, and that location as you go down to 11 the two exhibits to the bottom of the page -- 12 HEARING EXAMINER BYRNE: Okay. Scootch 13 it out. There we go. 14 RANDALL RENTFRO: We've got street B 15 and Georgia Avenue so that is the southwesterly 16 connection that's right in and right out. 17 HEARING EXAMINER BYRNE: Slide them 18 down a little bit. Right. 19 RANDALL RENTFRO: Yeah, so I'm speaking 20 of the one above. 21 HEARING EXAMINER BYRNE: The one in the 22 middle. Yeah, yeah, that's the one. 23 RANDALL RENTFRO: So that's the 24 southwest corner of the application that has 25 street B and Georgia Avenue, again conformance,</p>	<p>131</p> <p>1 adequate to serve the proposed development? 2 RANDALL RENTFRO: Yes, we have. We 3 believe there will be adequate gas, power, water 4 and sewer available to the site. The property is 5 located within the water and sewer category W1-S1 6 which means there is currently WSSC service to the 7 property itself. As we go through the next steps 8 of the entitlement process we will perform a 9 hydraulic planning analysis where WSSC formally 10 will size the maintenance in the proposed 11 development. 12 Regarding other public facilities and 13 services including police, fire and health care 14 facilities that are within the vicinity of the 15 project we believe there will be sufficient -- 16 excuse me, there will be sufficient adequate 17 public facilities. 18 Of note the growth and infrastructure 19 policy which is the guided document in Montgomery 20 County for adequate public facilities does not 21 have -- doesn't note any issues in adequacy in 22 this area. The final comment is Fire District 18 23 and the fourth district police station both 24 immediately abut and confront the property. 25 ELIZABETH ROGERS: Thank you. Is a</p>
<p>130</p> <p>1 consistent, safe, and it's only right in/right 2 out, and then the last one is beneath there and 3 that's Erskine and Glenallan. 4 That is the proposed or that's an 5 existing intersection, but it's our proposed 6 connection where as we go out through the property 7 to Glenallan Avenue -- and that was also analyzed. 8 It is in conformance based on the roadway 9 classifications. 10 HEARING EXAMINER BYRNE: Okay. Thank 11 you. Okay. What would you like to go back to as 12 far as exhibits go? 13 ELIZABETH ROGERS: If we can go -- 14 RANDALL RENTFRO: Floating zone. 15 ELIZABETH ROGERS: -- back to our 16 presentation. 17 HEARING EXAMINER BYRNE: Okay. 18 Perfect. 19 ELIZABETH ROGERS: Thank you. 20 RANDALL RENTFRO: And slide 11. 21 ELIZABETH ROGERS: It's just the next 22 slide. Oh, one more. We have it there. One 23 more. Perfect. Thank you. Have you evaluated 24 the availability of water, sewer, gas and other 25 utilities at this location and are capacities</p>	<p>132</p> <p>1 storm water management concept plan required for 2 this project? 3 RANDALL RENTFRO: Yes, it is, and -- 4 however, a formal storm water concept is not 5 required during LMA. However, the storm water 6 strategy narrative is and that is what's been 7 submitted in the record. We have already begun 8 our collaboration with the department of 9 permitting services on the storm water management 10 concept and they've reviewed the plan twice. 11 As we go along -- or excuse me. We'll 12 have that finalized as we go through the next 13 steps of the entitlement process where we expect 14 approval at the necessary step which will be prior 15 to the preliminary plan. 16 HEARING EXAMINER BYRNE: So the storm 17 water management plan will be approved prior -- 18 that's really hard to say -- prior to preliminary 19 plan approval? 20 RANDALL RENTFRO: Yes, ma'am. 21 HEARING EXAMINER BYRNE: Okay. 22 RANDALL RENTFRO: Must be. 23 ELIZABETH ROGERS: It must meet that 24 code. 25 RANDALL RENTFRO: That's required.</p>

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<p>133</p> <p>1 HEARING EXAMINER BYRNE: Okay. I just 2 wanted to make sure that I connected the dots. 3 Thank you. 4 RANDALL RENTFRO: Yes, ma'am. 5 ELIZABETH ROGERS: And just to give 6 everyone comfort, even after that storm water 7 concept plan is approved prior to the board's 8 approval of a preliminary plan are there other 9 steps that are required in the process before we 10 can begin construction? 11 RANDALL RENTFRO: Yes, there is another 12 storm water management step two plan that's 13 required, a site plan, and then there is a final 14 permitting set that is reviewed and approved by 15 the department of permitting services prior to the 16 ability to grade or do anything on the property. 17 HEARING EXAMINER BYRNE: And is there 18 public comment throughout this entire process? 19 RANDALL RENTFRO: There is public 20 comment throughout, yes. There are mailings and 21 we receive some public comments as we have gone 22 through the process to date. 23 ELIZABETH ROGERS: Okay. 24 HEARING EXAMINER BYRNE: Thank you. 25 ELIZABETH ROGERS: There is some</p>	<p>135</p> <p>1 map? 2 RANDALL RENTFRO: Yeah, existing 3 drainage area map, and that's the proposed 4 drainage area map. 5 HEARING EXAMINER BYRNE: All right. 6 And then Exhibit 62, drainage area. 7 ELIZABETH ROGERS: We call this 8 proposed drainage area. 9 RANDALL RENTFRO: Proposed. 10 HEARING EXAMINER BYRNE: Okay. All 11 right. And that's it. Okay. Thank you. 12 ELIZABETH ROGERS: So if you go back to 13 the -- thank you. So Mr. Rentfro -- 14 RANDALL RENTFRO: If you don't mind can 15 I talk for the next one? 16 ELIZABETH ROGERS: Oh, sure. One more. 17 I'm sorry. One slide forward. 18 RANDALL RENTFRO: Thank you. 19 ELIZABETH ROGERS: In your professional 20 opinion is offsite drainage from this property an 21 issue, and can you please describe how you've 22 evaluated that to date? 23 RANDALL RENTFRO: Yes. So no, it's 24 not. I've reviewed the neighbor's correspondence 25 and understand that many neighbors have that</p>
<p>134</p> <p>1 community correspondence in the record that raises 2 concerns regarding storm water drainage. I think 3 I can go to the next slide. Thank you. 4 I guess actually I'll pause before I 5 ask my question. So the next two or three slides, 6 I don't know if you want to group them together. 7 There are a few drainage slides we put together to 8 respond to some of the correspondence. They are 9 new exhibits. 10 HEARING EXAMINER BYRNE: Okay. Uh-huh. 11 So we want to flip down? 12 ELIZABETH ROGERS: So let's see. 13 There's one -- if you click down two, click down 14 three, three new exhibits -- 15 HEARING EXAMINER BYRNE: All right. 16 ELIZABETH ROGERS: -- dealing with 17 drainage. 18 HEARING EXAMINER BYRNE: So this first 19 one that has kind of the green -- okay. So the 20 pictures, drainage area pictures will be Exhibit 21 60. Exhibit 61 will be that next page which is 22 the -- 23 ELIZABETH ROGERS: We call it a 24 drainage area map. 25 HEARING EXAMINER BYRNE: Drainage area</p>	<p>136</p> <p>1 issue, so water runoff -- and I can see why that 2 would be the case. However, this property is not 3 the direct cause of those issues either today or 4 in the future development. 5 I've looked at the county GIS 6 topography, and if you look at the grades the 7 majority of the water impacting those properties 8 to the south side of Wallace come from the north 9 side of Wallace and the grading of Wallace itself. 10 This property contributes very little water. 11 Less than one percent of our 12 developable site ends up on the adjacent property 13 and it flows through existing forest, so from a 14 overall perspective any water that flows onto the 15 adjacent property is going through the type of 16 environmental buffer you would target to if you 17 had offsite drainage. 18 And when we go to develop the property 19 itself that developable area is no longer going to 20 be there, it will be a forest, so from a 21 overarching perspective I do not believe that our 22 property is going to cause any drainage issues for 23 our offsite neighbors. The current drainage 24 patterns for the property starts to the northwest 25 and goes to the southeast as testified by Mr.</p>

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<p style="text-align: right;">137</p> <p>1 Allison and Mr. Leakan. 2 There's roughly 70 feet of fall and the 3 vast majority of the property which is shown in 4 blue drains to that southeastern corner into the 5 stream. The area in yellow which is again on your 6 screen is the northeastern corner of the property, 7 and that currently drains down and across into -- 8 or I'm sorry. Let's go to the next slide if you 9 don't mind. 10 Okay. In a perfect world there would 11 be another exhibit where they overlaid each 12 other, but room for improvement. The Erskine 13 connection, which is in the proposed condition 14 here which is that northeastern connection -- and 15 then I apologize, if you'd go back. Thank you. 16 That shows where the water is going to 17 end up in the second study point which is a X in 18 the bottom right-hand corner along Glenallan 19 Avenue, which you'd have to zoom in to see because 20 nobody else can read that. 21 HEARING EXAMINER BYRNE: Could you do 22 that? 23 THE CLERK: I can try. 24 HEARING EXAMINER BYRNE: And it's which 25 bottom?</p>	<p style="text-align: right;">139</p> <p>1 perspective we provided two study points as 2 required by Montgomery County code. One is the 3 stream point in the southeast corner. 4 The other is that second study point at 5 Erskine, so regarding the overarching drainage 6 pattern for the property that is the two points 7 where water ends up in a controlled manner. It is 8 my professional opinion that no water from the 9 developable portion of the property will be 10 directed towards the single family homes on 11 Wallace to the east. 12 Rather, water will be treated for 13 quality and quantity onsite and ultimately 14 directed towards the stream or the proposed storm 15 drain system as shown on your screen and as 16 consistent with current Montgomery County 17 Department of Permits, MCDPS policies directing 18 concentrated water offsite is not permissible and 19 this application would utilize current MDE best 20 practices to treat the required storm water within 21 our project site. 22 Based on the studies completed today 23 offsite drainage is going to be minimized and 24 controlled through the redevelopment process 25 consistent with Maryland and county law.</p>
<p style="text-align: right;">138</p> <p>1 RANDALL RENTFRO: Yeah, so bottom right 2 corner of -- so go on Glenallan. I'm just going 3 to point on the screen. 4 HEARING EXAMINER BYRNE: Yeah, yeah, 5 yeah. Oh, I see it now. 6 RANDALL RENTFRO: So study point two is 7 here. 8 HEARING EXAMINER BYRNE: Okay. 9 RANDALL RENTFRO: It describes -- 10 describes it. 11 HEARING EXAMINER BYRNE: Okay. 12 RANDALL RENTFRO: So study point two is 13 located at the intersection of Erskine Avenue and 14 Glenallan Avenue. That study point is -- oh, the 15 pointer -- let me move it up a little -- is 16 located here. Circle for the mask effect. My 17 microphone is over here. The reason that is the 18 second study point is because that is where the 19 storm drain is located that's ultimately capturing 20 the water that is going to be a part of our 21 proposed development. 22 The reason Randolph Road is also yellow 23 is because this storm drain in Randolph Road is 24 captured and ultimately drains water to that 25 point, so from a storm water management concept</p>	<p style="text-align: right;">140</p> <p>1 ELIZABETH ROGERS: And can you please 2 describe overall the storm water strategy approach 3 and what that will be for this project? 4 RANDALL RENTFRO: Yes. So the site 5 currently as Mr. Leakan testified does not have 6 any storm water management or modern storm water 7 management facility, so there's no quality or 8 quantity control on the property. This 9 application provides a good opportunity to bring 10 what is not up to current code to current code. 11 And in accordance with the 2010 MDE 12 storm water management regulations we are going to 13 be implementing environmental site design to the 14 maximum extent practicable. In this case we will 15 be utilizing microbio retention facilities, 16 bioswells and non-rooftop disconnects from the 17 environmental site design perspective. 18 We'll also be including storage and 19 filtration structural best management practices 20 consistent with MDE approvals. It is expected 21 that the proposed layout of the project will fully 22 accommodate storm water management facilities that 23 meet or exceed the applicable county and state 24 law. 25 ELIZABETH ROGERS: Okay. Thank you.</p>

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<p>141</p> <p>1 Is this property located in a special protection 2 area? 3 RANDALL RENTFRO: No. 4 ELIZABETH ROGERS: Just a few follow-up 5 -- final questions for you. Does the proposed 6 floating zone plan conflict in any way with the 7 capital improvement program? 8 RANDALL RENTFRO: No. 9 ELIZABETH ROGERS: In your professional 10 opinion does the floating zone plan satisfy all 11 applicable zoning requirements for approval of a 12 Local Map Amendment application? 13 RANDALL RENTFRO: Yes. 14 ELIZABETH ROGERS: And do you agree 15 with the findings by Maryland-National Capital 16 Park and Planning Commission staff that are 17 contained in their staff report and then adopted 18 and referenced in the planning board transmittal 19 letter? 20 RANDALL RENTFRO: Yes. 21 ELIZABETH ROGERS: Is there anything 22 else that I forgot? 23 RANDALL RENTFRO: No. 24 ELIZABETH ROGERS: I think those are 25 all of our questions.</p>	<p>143</p> <p>1 but she has been qualified here this year, last 2 year, many years prior to that. 3 HEARING EXAMINER BYRNE: We'll accept 4 her as an expert. 5 STEVEN ROBINS: In transportation 6 planning? 7 HEARING EXAMINER BYRNE: Yes, thank 8 you. 9 STEVEN ROBINS: Thank you very much. 10 So Ms. Randall, have you prepared traffic reports 11 and provided expert testimony in connection with 12 other Local Map Amendment cases? 13 ANNE RANDALL: I have. 14 STEVEN ROBINS: I will now -- I want to 15 get into some specifics of your traffic analysis 16 as it relates to this property and the proposed 17 use. Are you familiar with the Local Map 18 Amendment that is before us today which is Local 19 Map Amendment H-149? 20 ANNE RANDALL: I am. 21 STEVEN ROBINS: And have you made a 22 personal inspection of the site and are you 23 familiar with the area surrounding property? 24 ANNE RANDALL: I am. I have made 25 recent inspections of the site and then I worked</p>
<p>142</p> <p>1 HEARING EXAMINER BYRNE: I have no 2 additional questions. Thank you. 3 RANDALL RENTFRO: Thank you, Madam 4 Hearing Examiner. 5 ELIZABETH ROGERS: Our final witness 6 will be Ms. Nancy Randall. 7 HEARING EXAMINER BYRNE: Thank you. 8 Ms. Randall, if you could raise your right hand 9 for me. Do you promise to tell the truth, the 10 whole truth, and nothing but the truth? 11 ANNE RANDALL: I do. 12 HEARING EXAMINER BYRNE: And if you 13 could state your full name and spell it for our 14 court reporter. 15 ANNE RANDALL: Sure. My legal name is 16 Anne N. Randall. I go by Nancy. The spelling is 17 A-N-N-E, the last name is Randall, R-A-N-D-A-L-L, 18 and Nancy is N-A-N-C-Y. 19 HEARING EXAMINER BYRNE: Thank you. 20 STEVEN ROBINS: Madam Hearing Examiner, 21 Ms. Randall has appeared before this body on many, 22 many occasions. She's also appeared before park 23 and planning. She's done conditional uses, Local 24 Map Amendments. I can take her through a whole 25 line of questioning to qualify her as an expert</p>	<p>144</p> <p>1 on a Glenmont Metro Station project and I took 2 that from zoning to preliminary plan, so I'm 3 intimately familiar and continue to work on that 4 project as it builds out through its many phases. 5 STEVEN ROBINS: Okay. Now, focusing on 6 this project, Ms. Randall, can you describe how 7 vehicles currently enter and exit the subject 8 property and the proposed access for the project? 9 ANNE RANDALL: Yes. As noted in 10 Randall's testimony, there is an existing right 11 in/right out access on Georgia Avenue south of 12 Randolph Road. 13 HEARING EXAMINER BYRNE: Is there a 14 picture we should have up? 15 ANNE RANDALL: Yeah, if you could bring 16 up the -- Randall Rentfro's exhibit of the circled 17 -- 18 STEVEN ROBINS: I think it's Exhibit 19 36. 20 ELIZABETH ROGERS: If you just go up 21 maybe -- 22 ANNE RANDALL: 36, yes. 23 ELIZABETH ROGERS: -- one, two. 24 STEVEN ROBINS: There we go. 25 ANNE RANDALL: Yep, that's the one.</p>

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<p style="text-align: right;">145</p> <p>1 Yes. So starting --</p> <p>2 HEARING EXAMINER BYRNE: And could you</p> <p>3 hit me with the zoom in a little bit?</p> <p>4 THE CLERK: I think so.</p> <p>5 HEARING EXAMINER BYRNE: Okay.</p> <p>6 ANNE RANDALL: So starting in the</p> <p>7 bottom left we have a right in/right out. There's</p> <p>8 a median on Georgia Avenue so that functions</p> <p>9 strictly as a right turn in, right turn out. The</p> <p>10 next intersection, though it's not site access, is</p> <p>11 the main interchange of Randolph and Georgia</p> <p>12 Avenue.</p> <p>13 HEARING EXAMINER BYRNE: Uh-huh.</p> <p>14 ANNE RANDALL: Randolph Road goes</p> <p>15 underneath of Georgia Avenue at that location, so</p> <p>16 it is an interchange but an urban interchange.</p> <p>17 Then the next access is at what's called Glenmont</p> <p>18 Circle. It's adjacent to the police station, and</p> <p>19 that's an existing access that comes into the</p> <p>20 property.</p> <p>21 And then there is also an existing</p> <p>22 access point to the east of that headed toward</p> <p>23 Glenallan Avenue and this would become the</p> <p>24 extension of Erskine as it comes out into the</p> <p>25 site. It's in orange or the red color and that</p>	<p style="text-align: right;">147</p> <p>1 can see it stubs into what is now essentially a</p> <p>2 long linear parking lot for those dwelling units</p> <p>3 that are there. If that were ever redeveloped</p> <p>4 then that extension and connection could be made</p> <p>5 and this is what the sector plan was looking for,</p> <p>6 is this gridded system and connectivity.</p> <p>7 STEVEN ROBINS: So let me ask you, you</p> <p>8 had described the access points. Can you just</p> <p>9 reiterate which ones are signalized?</p> <p>10 ANNE RANDALL: Yes, there's one</p> <p>11 signalized intersection that we have direct access</p> <p>12 to. That is the intersection of Glenmont Circle</p> <p>13 and Randolph Road.</p> <p>14 HEARING EXAMINER BYRNE: Okay. Which</p> <p>15 is just off the screen at the north?</p> <p>16 ANNE RANDALL: Yes.</p> <p>17 HEARING EXAMINER BYRNE: Okay.</p> <p>18 ANNE RANDALL: That's correct.</p> <p>19 STEVEN ROBINS: And in the future</p> <p>20 conditions, the Erskine connection to Glenallan,</p> <p>21 is that signalized?</p> <p>22 ANNE RANDALL: No, that will likely be</p> <p>23 a stop controlled intersection. The volume of</p> <p>24 traffic anticipated at this time is light. It's</p> <p>25 not going to be heavily used. The majority of the</p>
<p style="text-align: right;">146</p> <p>1 comes out to Randolph Road. Again that will be a</p> <p>2 right in/right out.</p> <p>3 There is a median so no left in, no</p> <p>4 left out, and then our access with Erskine Avenue</p> <p>5 extended into the property. They would come out</p> <p>6 onto Glenallan Avenue. Those are the access</p> <p>7 points that are currently planned for the site.</p> <p>8 They have stub roads as Randall mentioned where it</p> <p>9 could be if the police department property were</p> <p>10 ever redeveloped you could connect through the</p> <p>11 property --</p> <p>12 HEARING EXAMINER BYRNE: Uh-huh.</p> <p>13 ANNE RANDALL: -- on that roadway, and</p> <p>14 then to the south where the HOC property is if</p> <p>15 that were ever developed or redeveloped that green</p> <p>16 road extends down. Keep going down a little bit.</p> <p>17 HEARING EXAMINER BYRNE: I'm doing this</p> <p>18 and you're doing this.</p> <p>19 ANNE RANDALL: Right.</p> <p>20 ELIZABETH ROGERS: See lower part of</p> <p>21 the page.</p> <p>22 STEVEN ROBINS: It's going up and down.</p> <p>23 ELIZABETH ROGERS: Right.</p> <p>24 (Laughter.)</p> <p>25 ANNE RANDALL: And at that location you</p>	<p style="text-align: right;">148</p> <p>1 traffic is headed toward -- based on distribution</p> <p>2 tables that we're required to use the majority of</p> <p>3 traffic is actually headed toward -- the best way</p> <p>4 to describe it is the Washington, D.C. area, so</p> <p>5 heading south.</p> <p>6 STEVEN ROBINS: I was actually</p> <p>7 referring to -- I may have misquoted it, but the</p> <p>8 Glenallan connection to Randolph Road.</p> <p>9 ANNE RANDALL: Oh, that is signalized</p> <p>10 today.</p> <p>11 HEARING EXAMINER BYRNE: Okay.</p> <p>12 ANNE RANDALL: Okay. I thought you</p> <p>13 were referring to --</p> <p>14 STEVEN ROBINS: Yeah, no. Thank you</p> <p>15 for explaining that.</p> <p>16 ANNE RANDALL: Yeah.</p> <p>17 STEVEN ROBINS: But I was referring to</p> <p>18 Glenmont -- Glenallan --</p> <p>19 ANNE RANDALL: Yeah.</p> <p>20 STEVEN ROBINS: -- and Randolph.</p> <p>21 ANNE RANDALL: No, that is signalized</p> <p>22 today. Yeah.</p> <p>23 HEARING EXAMINER BYRNE: Okay.</p> <p>24 STEVEN ROBINS: Did you and your firm</p> <p>25 prepare a written report analyzing your findings</p>

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<p>149</p> <p>1 for the proposed LMA -- 2 ANNE RANDALL: Yes. 3 STEVEN ROBINS: -- in connection with 4 this application? 5 ANNE RANDALL: Yes, we did. 6 STEVEN ROBINS: And are you familiar 7 with the Montgomery County's Local Area 8 Transportation Review guidelines? 9 ANNE RANDALL: Yes, I am. In fact, I'm 10 currently on their committee for the upcoming 11 rewrite. 12 STEVEN ROBINS: And is the proposed LMA 13 subject to the Local Area Transportation Review or 14 what you would call LATR? 15 ANNE RANDALL: Yes, it is. 16 HEARING EXAMINER BYRNE: And -- 17 STEVEN ROBINS: And that's -- 18 HEARING EXAMINER BYRNE: That's revised 19 Exhibit 24, I think? 20 STEVEN ROBINS: Pardon me? 21 HEARING EXAMINER BYRNE: Is that 22 revised Exhibit 24? I think that's right. 23 STEVEN ROBINS: I think it's Exhibit 24 40. 25 HEARING EXAMINER BYRNE: 40?</p>	<p>151</p> <p>1 result in you -- 2 ANNE RANDALL: Yes, it did. 3 STEVEN ROBINS: -- having to do this 4 LATR study -- 5 ANNE RANDALL: It does. 6 STEVEN ROBINS: -- which is Exhibit 40? 7 ANNE RANDALL: Yeah. 8 STEVEN ROBINS: Thank you. Can you 9 describe your responsibilities with regard to the 10 Local Map Amendment application? 11 ANNE RANDALL: Yeah. Obviously the 12 first thing we do is to look at the plans, the 13 vehicular access, the circulation of the site. 14 Then we go through that process of calculating the 15 vehicular and person trips based on the proposed 16 development plan. 17 Based on the access and the person trip 18 generation we prepare a draft scoping agreement 19 with the staff to determine their rules within the 20 LATR that tell you how many intersections you have 21 to go if you're generating X number of person 22 trips, so if I'm studying vehicular I've got to go 23 so many intersections, I've got to go for ped, for 24 bike, for transit. 25 It's all based on your person trip,</p>
<p>150</p> <p>1 ANNE RANDALL: The study, Exhibit 40. 2 HEARING EXAMINER BYRNE: Okay. 3 STEVEN ROBINS: Yeah, Exhibit 40. And 4 is a traffic study required under the LATR? 5 ANNE RANDALL: It is. Traffic studies, 6 what we do initially to figure out whether 7 property is going to be required to do a traffic 8 impact study is to do the trip generation 9 calculations, and any project that is going to 10 generate more than 50 new person trips is subject 11 to the LATR standards and it's a -- it's no longer 12 just vehicle trips. 13 The vehicle trips are converted into 14 person trips to figure out how many people are 15 going to be walking to and from, biking, using 16 transit system, so it's all based now on person 17 trips and you do take -- at that point when you're 18 trying to figure out whether or not you're subject 19 to the LATR you do take into account the existing 20 development on the property. 21 So when we did our calculation we took 22 into consideration and looked at the new trips 23 that would be put out onto the road system and 24 taking credit for the 482 existing apartments. 25 STEVEN ROBINS: And did that still</p>	<p>152</p> <p>1 trip generation, and we map all of that out into a 2 draft scoping agreement. It contains the radius 3 that we have to look at for bikes, the radius that 4 we have to look at for ped, the number of 5 intersections that we have. We submit that to 6 staff. They review it. 7 Not only do park and planning staff 8 review it, but so does MCDOT and SHA. Then if 9 they've got changes or want tweaks to it we make 10 those, we save it back in, and all three of those 11 agencies sign off on it, which they did in this 12 case. 13 And then we go through the process, the 14 laborious process of getting the data, counting 15 the intersections, all the intersections that they 16 want, collecting data on background developments, 17 that kind of thing, and again the scoping of the 18 agreement is contained within Exhibit 40. It's 19 back there. It's the signed scope. 20 Then we account for the existing trips 21 as I said before in working up our trip 22 generation. And then we also look at the test, 23 not just the vehicular but we looked at the 24 bicycle, pedestrian, transit and vision zero. 25 Now, for an LMA technically it's just</p>

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<p>153</p> <p>1 the vehicular, but we're going to be going forward 2 with the pedestrian, bicycle and all the rest of 3 it, so all of that has been included in our report 4 so you've got the information on ped, bike and all 5 of those other tests, vision zero as well. 6 The other thing that comes out of the 7 scoping agreement is that there is a 8 proportionality guide whereby the developer 9 understands what -- the maximum amount of money 10 that he is likely to have to pay for deficiencies 11 in the system, and it's based on a fee per 12 dwelling unit. 13 In this particular case based on where 14 they are right now with the development quantity 15 -- and as noted before this may change. This is 16 our maximum with 200 -- excuse me -- 2,275 17 dwelling units. They would have a maximum amount 18 of \$9,988,160 that they would spend or could spend 19 on pedestrian, bicycle, vehicular. 20 All of that is their cap for making 21 road improvements for this facility, and that's 22 established at the time we do our LATR study. 23 Now, if that number of dwelling units goes down 24 that number is going to come down as well. 25 STEVEN ROBINS: And the improvements</p>	<p>155</p> <p>1 initial review I look where utility poles are, how 2 far they set back from the road bed to give you an 3 idea of whether or not you've got room to put 4 sidewalks in. 5 It appears that they are, and so we 6 could construct sidewalks along that side of 7 Glenallan. In addition to that we have to -- we 8 would be looking at all the other deficiencies 9 along the network in between our -- either a 10 thousand foot radius or a 1500 square -- 1500 foot 11 radius from the site, so there -- 12 HEARING EXAMINER BYRNE: Is that as the 13 crow flies -- 14 ANNE RANDALL: As -- 15 HEARING EXAMINER BYRNE: -- basically a 16 15 -- I guess -- 17 ANNE RANDALL: Yeah. 18 HEARING EXAMINER BYRNE: -- if I were 19 to draw a circle of 1500 square feet out and about 20 from the boundaries? 21 ANNE RANDALL: Generally it is, but 22 it's a funny way they describe this. It's X 23 number of feet from the property boundary. 24 HEARING EXAMINER BYRNE: Okay. 25 ANNE RANDALL: So you get this lumpy</p>
<p>154</p> <p>1 can address many of the comments -- well, let me 2 ask you -- let me take my stuff out. You've read 3 some of the community letters that came in, 4 correct? 5 ANNE RANDALL: Yes. 6 STEVEN ROBINS: And some of the letters 7 dealt with concerns about pedestrian issues and 8 the like. Would those -- the improvements that 9 you're referring to, can they address any of the 10 comments made by the community members and what 11 would they typically include? 12 ANNE RANDALL: Yeah. They would 13 address those. This money is to be spent offsite, 14 not in -- onsite. So in the case of as an example 15 Erskine it's a narrow road. There are no 16 sidewalks. There are no buffer for the pedestrian 17 that's walking on the street. They're basically 18 sharing the same thing, or sharing the same 19 street, sorry. 20 And on Glenallan if there were students 21 coming out -- and when you get to Glenallan on the 22 Erskine side or the southwest side of Glenallan 23 there are no sidewalks on that side of the street 24 either. The right of way is sufficient to -- 25 based on initial review, and what I mean by</p>	<p>156</p> <p>1 cloud kind of -- 2 HEARING EXAMINER BYRNE: Right, so it 3 follows -- 4 ANNE RANDALL: -- effect. 5 HEARING EXAMINER BYRNE: It follows the 6 boundaries? 7 ANNE RANDALL: Yes, exactly, exactly. 8 HEARING EXAMINER BYRNE: Okay. 9 ANNE RANDALL: So where we have 10 deficiencies with -- for a pedestrian as an 11 example if you look at the sidewalk, what's the 12 condition of the sidewalk, what's the width of the 13 sidewalk, in addition to that you look at any of 14 the ADA requirements at a sidewalk. 15 Is the ramp at the proper pitch, does 16 it have all of the new technology. You look at an 17 intersection for the ped. Do you have countdown 18 pedestrian signal heads, do you have all of the 19 ADA requirements for those signals. Crosswalks, 20 are they all marked properly. 21 Then street lighting. You don't think 22 about it, but when you're walking a street in the 23 winter if you don't have good lighting over that 24 sidewalk such that a motorist can see a pedestrian 25 that's about to cross an intersection. So we look</p>

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<p>157</p> <p>1 at street lighting, ADA compliance, the width of 2 sidewalks, the condition of sidewalks, the 3 signalization. All of those things are taken into 4 consideration for pedestrians. 5 We do the same thing again for bikes. 6 They have what they call a PLOC. It's the 7 comfort, the level of comfort for the bicycle 8 rider, same kind of thing. For transit the test 9 is -- right now the test is making sure that the 10 transit stops have bus shelters and all the bells 11 and whistles in those bus shelters to give people 12 an idea of what's the schedule, what's the 13 expected time of arrival. 14 There are some new technologies that 15 are coming out, so I know there's some changes 16 that are probably going to happen in the near 17 future with some of the bus schedule. So many 18 people are using their phones now, so putting in 19 all the bells and whistles with banners and light 20 are -- they're kind of changing and loading up 21 apps. 22 STEVEN ROBINS: Let me -- I don't want 23 you to go too far down the road because I want to 24 get to each of the individual tests that you 25 analyzed in your study, but back to the -- just</p>	<p>159</p> <p>1 STEVEN ROBINS: Which is a public 2 process? 3 ANNE RANDALL: Right, and then the 4 details of that, when we get to preliminary plan 5 we start to do some of the engineering 6 investigation, and by the time site plan comes 7 around everything is pretty well agreed to. 8 STEVEN ROBINS: All right. So let's 9 talk about some of your findings in your 10 transportation analysis. Let's start with motor 11 vehicle adequacy. Did your transportation 12 analysis review motor vehicle adequacy? 13 ANNE RANDALL: It did. As required by 14 the LMA standard we looked at the motor vehicle 15 adequacy. The site is located on the border of -- 16 and if you need an exhibit -- 17 ELIZABETH ROGERS: Actually if you just 18 go a couple of slides down -- 19 ANNE RANDALL: Yeah. 20 ELIZABETH ROGERS: -- maybe like four. 21 Okay. Right there. 22 ANNE RANDALL: Thank you. We looked at 23 a total of 13 intersections, and on this exhibit 24 it might be a little hard to see but there are red 25 policy area intersections, those intersections</p>
<p>158</p> <p>1 one last point or one last question as it relates 2 to the offsite improvements that could potentially 3 be made and determined at preliminary plan 4 assuming that they did, in fact, exist and -- or, 5 in fact, were needed. 6 The -- some of the conditions that were 7 in some of the community letters like lack of 8 pedestrian connections or crosswalks or issues 9 regarding safety or sidewalks, did that -- that 10 would actually -- would that actually be the 11 beneficiary of an application like this -- 12 ANNE RANDALL: Yes. 13 STEVEN ROBINS: -- moving forward -- 14 ANNE RANDALL: Yes. 15 STEVEN ROBINS: -- in terms of 16 addressing those issues? 17 ANNE RANDALL: Exactly. As I 18 indicated, our cap is almost 10 million dollars 19 and we have to look at every place where we can 20 make those improvements. That's going to be a 21 requirement of this project up to that cap. 22 STEVEN ROBINS: And that cap would be 23 determined at preliminary plan? 24 ANNE RANDALL: At the time of 25 preliminary plan, that's correct, and --</p>	<p>160</p> <p>1 that are noted in dark red color, and then those 2 intersections that are in the orange policy area 3 that are in that lighter orange about the same 4 color as the site boundary color, and this makes a 5 difference. 6 In the LATR guidelines in the red 7 policy area they are no longer requiring a 8 vehicular test. They just do ped, bike, transit, 9 vision zero, and in the orange policy area you do 10 all of those things. We've done both for this 11 case. We've looked at vehicular for all of these 12 intersections as well as all of the other tests 13 for this case. 14 STEVEN ROBINS: Can you -- can I just 15 ask you just one question? 16 ANNE RANDALL: Sure. 17 STEVEN ROBINS: Can you just describe 18 for the hearing examiner what a policy area 19 actually is? 20 ANNE RANDALL: Oh, yeah. I'm sorry. 21 For the -- 22 STEVEN ROBINS: There's a little 23 confusion. 24 ANNE RANDALL: For the other areas. 25 STEVEN ROBINS: I just want to make</p>

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<p>161</p> <p>1 sure it's perfectly clear.</p> <p>2 ANNE RANDALL: Montgomery County has</p> <p>3 divided the county up into what they call policy</p> <p>4 areas, so there are certain sector plans that come</p> <p>5 out with that policy area and then they kind of do</p> <p>6 a deeper dive into, but the policy areas were set</p> <p>7 up for transportation purposes.</p> <p>8 There may have been some other land</p> <p>9 planning reasons that I'm not aware of. I'm just</p> <p>10 focused on the transportation, but they set these</p> <p>11 up to have goals for congestion standards, for</p> <p>12 determining -- it started way back when when there</p> <p>13 was a job and residential they were trying to</p> <p>14 balance jobs and people, residents.</p> <p>15 And the PAMR, I don't know whether you</p> <p>16 remember -- we've gone through a lot of these</p> <p>17 iterations over the years, but they were trying to</p> <p>18 balance jobs and residents to get them into the</p> <p>19 same area, so they would -- they had different</p> <p>20 goals with regards to what your loads of service</p> <p>21 would be in that particular policy area.</p> <p>22 And so there was a goal in Bethesda or</p> <p>23 north Bethesda or Rockville. They all had</p> <p>24 slightly different goals that were associated with</p> <p>25 them and different level of service requirements.</p>	<p>163</p> <p>1 ANNE RANDALL: The county.</p> <p>2 STEVEN ROBINS: -- you're referring to</p> <p>3 the county council?</p> <p>4 ANNE RANDALL: County council, sorry.</p> <p>5 I should --</p> <p>6 STEVEN ROBINS: Thank you.</p> <p>7 ANNE RANDALL: Yeah. And I'm sure</p> <p>8 there are other reasons behind this. I just come</p> <p>9 at it from the transportation focus point of view,</p> <p>10 but -- so in the red policy area they want the</p> <p>11 density, they want the congestion. If everything</p> <p>12 operates smoothly what's the point of getting on a</p> <p>13 metro.</p> <p>14 They put a lot of money into the</p> <p>15 infrastructure and they want and expect a certain</p> <p>16 level of congestion. When you drive in Bethesda</p> <p>17 you don't expect to be able to zip all the way</p> <p>18 down to Washington, D.C., and that's what they've</p> <p>19 done consciously to increase development where it</p> <p>20 should be near these metro centers and not expect</p> <p>21 that there's going to be free flow, which is why</p> <p>22 in the red policy area they were no longer asking</p> <p>23 for the vehicular test.</p> <p>24 They wanted the money and resources to</p> <p>25 go into the pedestrian movement, the bike</p>
<p>162</p> <p>1 They've changed this up when they did the GIP</p> <p>2 which is --</p> <p>3 STEVEN ROBINS: Say what that is,</p> <p>4 growth --</p> <p>5 ANNE RANDALL: Growth infrastructure</p> <p>6 policy, do I have that right, and that -- they've</p> <p>7 changed it around. They're looking at the county</p> <p>8 now a little bit more holistically rather than</p> <p>9 looking at these as to spread policy areas, and</p> <p>10 the GIP is now saying we want what -- they've</p> <p>11 divided it into the red policy area, the orange</p> <p>12 policy area, the yellow and the green.</p> <p>13 The green is out in the countryside,</p> <p>14 rural east, rural west, going further north,</p> <p>15 Potomac area. The yellow is more of the suburban</p> <p>16 areas, and then the orange are where they would</p> <p>17 like to see development, and then the red policy</p> <p>18 area are those metro stations where they want to</p> <p>19 see more intense transit oriented kind of growth</p> <p>20 where you can support that transit service.</p> <p>21 STEVEN ROBINS: Can I interrupt you for</p> <p>22 just one second?</p> <p>23 ANNE RANDALL: Sure.</p> <p>24 STEVEN ROBINS: When you are using the</p> <p>25 term they --</p>	<p>164</p> <p>1 movement, other modes of transportation, and then</p> <p>2 the orange policy area is slightly less intense</p> <p>3 but still oriented more to bike and ped in terms</p> <p>4 of what we have to look at and how much</p> <p>5 infrastructure.</p> <p>6 STEVEN ROBINS: So getting back to the</p> <p>7 motor vehicle adequacy test can you explain what</p> <p>8 you studied?</p> <p>9 ANNE RANDALL: Yes. So all 13 of the</p> <p>10 intersections were studied. Per the scoping</p> <p>11 agreement the red policy area intersections were</p> <p>12 done for information purposes only as technically</p> <p>13 it's not required. Additionally, staff -- after</p> <p>14 we submitted our first traffic impact study staff</p> <p>15 at MCDOT was potentially concerned about, weren't</p> <p>16 sure whether or not they wanted the right in/right</p> <p>17 out on Randolph Road to remain open.</p> <p>18 They had other comments as well, so did</p> <p>19 the state. We incorporated in our revision, which</p> <p>20 is why you see two dates on the report, we</p> <p>21 incorporated all of those changes, all of those</p> <p>22 revisions, and we tested the intersection of the</p> <p>23 right in/right out on Randolph Road. It was a</p> <p>24 with or without situation and tested all of our</p> <p>25 intersections again, so we assumed in one scenario</p>

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<p>165</p> <p>1 that we had that access and in another scenario we 2 did not. In -- 3 STEVEN ROBINS: And you're referring to 4 the unsignalized? 5 ANNE RANDALL: That's correct. 6 STEVEN ROBINS: Right in/right out -- 7 ANNE RANDALL: Yeah. 8 STEVEN ROBINS: -- not the signalized? 9 ANNE RANDALL: That's correct. 10 STEVEN ROBINS: Okay. Thank you. 11 ANNE RANDALL: And all of the study 12 intersections, both the red policy area as well as 13 the orange policy area intersections, met or were 14 -- let me rephrase that. They were well below the 15 threshold, the max allowed in either the red 16 policy area or the orange policy area. 17 The standard for these intersections is 18 -- a delay for the orange is 80 seconds overall 19 intersection delay and the red is 120 seconds of 20 delay. The max that we had at any one 21 intersection which was Georgia Avenue and Randolph 22 Road was an A and P count of 92 -- I'm sorry. I 23 don't have the sheet. 24 STEVEN ROBINS: We have it. Can you -- 25 ANNE RANDALL: No, I've got it. I</p>	<p>167</p> <p>1 agreement. We'll go through this whole process 2 again and it will be determined at that time based 3 on the analyses that we do at that time. 4 STEVEN ROBINS: And as part of this 5 review did MCDOT, State Highway Administration and 6 park and planning, transportation staff as also 7 evidenced by the staff report and the planning 8 board's ultimate approval all agree that no 9 notification is required to pass the motor vehicle 10 adequacy test? 11 ANNE RANDALL: That's correct, for this 12 application we are not required -- everything 13 passed and they did not request or require any 14 road improvements for this project in relation to 15 the vehicle -- motor vehicle test or any of the 16 other tests that we provided. Again because this 17 has got to go through the process again and will 18 be based on a -- potentially a slightly different 19 program than what's before you we'll go through 20 that process at preliminary plan. 21 STEVEN ROBINS: Ms. Randall, can you 22 describe as part of your transportation analysis 23 as it relates to bicycles, pedestrian and transit 24 adequacy tests? 25 ANNE RANDALL: Sure. For transit we're</p>
<p>166</p> <p>1 apologize. I've got it here. 2 STEVEN ROBINS: Yeah. 3 ELIZABETH ROGERS: Thank you. 4 ANNE RANDALL: It was buried. With our 5 project 92.3 seconds and the max allowed is 120, 6 and in the orange policy area intersections the 7 max delay that we have is at Glenallan Avenue and 8 Arcola which is -- I'm sorry, Georgia Avenue and 9 Arcola at 30.8 seconds, well below the 80. 10 STEVEN ROBINS: So did your results 11 show that any of the studied intersections either 12 in the red or orange area would exceed the LATR 13 standards? 14 ANNE RANDALL: None will exceed. 15 STEVEN ROBINS: And is it your 16 understanding that as far -- you had mentioned the 17 right in/right out on Randolph Road coming out of 18 our project, that MCDOT, Montgomery County 19 Department of Transportation had asked you to 20 study with and without. When will that 21 determination actually be made? 22 ANNE RANDALL: That will be made at the 23 time of preliminary plan. We will redo all of 24 these turning movement counts. We will have 25 another review. We'll have another scoping</p>	<p>168</p> <p>1 required to look at a 150-foot radius from the 2 property line. We look -- we do a complete 3 inventory of the bus stops, the bus routes, and 4 whether or not bus shelters are provided. That's 5 the 1500 feet. 6 And right now the site is served by 13 7 different bus routes, 19 different bus stops, and 8 they are within less than a half a mile walking 9 distance and this is measured from the Georgia 10 Avenue access. Walking down Georgia Avenue to the 11 site it's less than a half a mile to the station. 12 Pedestrian test is a thousand feet from 13 the property boundaries. As I indicated before, 14 there are several segments of the pedestrian 15 inventory that we did that don't meet what they 16 call pedestrian level of comfort, the PLOC, and 17 those are the things that will come up at the time 18 of preliminary plan where monies will go towards 19 fixing those things. 20 Some of those are occurring at Georgia 21 Avenue and Randolph Road, a brand new interchange. 22 They didn't provide the buffers for the pedestrian 23 part of that as right of way constraint along 24 there, so we'll be looking at that. We won't be 25 able to add any additional right of way, but we'll</p>

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<p>169</p> <p>1 be looking at potentially other treatments that we 2 can do for the safety of the pedestrian through 3 there and ADA compliance, and similarly along the 4 property frontage along Glenallan, along Randolph 5 Road, along Georgia Avenue we'll be looking at 6 those items as well. 7 Then bicycle, same thing. It's a 8 measured distance of a thousand feet and we look 9 at analyzing the existing bikeways, what 10 deficiencies are there, and we'll be working with 11 the parks department to see what connections they 12 would like to see in some of the offroad trail 13 systems that are there as well as existing bike 14 lanes along the various public roads. 15 At this time there's no mitigation and 16 is to be determined when we have a little more 17 solid plan because it's all based on that dollar 18 amount and a lot of engineering for the site, you 19 know, property frontage, this -- if I have a 20 certain amount of property frontage and then 21 immediately adjacent I've got a section where I 22 don't have sidewalk I've got to make sure that the 23 two things connect. 24 And so it typically waits until site 25 plan when everything is really firmed up and</p>	<p>171</p> <p>1 examiner what vision zero is. 2 ANNE RANDALL: When this rewrite of the 3 LATR guidelines came out in early 2023, and it 4 actually came out in 2022 and they constantly 5 edited it, so the last edit was in 2023, vision 6 zero was just coming in the legislation at the 7 state and county level, so what we're required to 8 do right now is to provide the county with 9 information. 10 So we go into the state's website, the 11 county's website, pull up all of the accident data 12 along the various roadways and provide that in a 13 summary form to the county, and we also collect 14 speed data. So we run counts, measured time 15 counts along Randolph Road. Again it's a distance 16 of a thousand feet from the property boundary. 17 So we look at speeds and provide all of 18 that information to staff, and then at the time of 19 preliminary plan if there are -- after they've 20 reviewed the data if there is something that we 21 can do, be it a speed camera to produce the speeds 22 or if there is a -- if accidents are happening as 23 an example because of rain, well, maybe there's 24 something we can do to the texture of the pavement 25 on the road or advanced signing, if there is a</p>
<p>170</p> <p>1 actual hard design is done we'll have a better 2 idea of preliminary plan then. 3 STEVEN ROBINS: And in your experience 4 in not only going through Local Map Amendment 5 cases but taking them forward to preliminary plan 6 and site plan, would you say that there's 7 comprehensive reviews at every step of the way in 8 terms of determining not only the findings but the 9 requirements and the ability for individuals to 10 participate in that process? 11 ANNE RANDALL: Absolutely, yeah. 12 STEVEN ROBINS: The next question I 13 have is did you prepare a -- well, first of all, 14 did staff and planning board agree with the 15 findings that you just discussed on peds, bikes, 16 the transportation and -- 17 ANNE RANDALL: Yes. 18 STEVEN ROBINS: -- the vehicular 19 analysis? 20 ANNE RANDALL: They did. They did. 21 STEVEN ROBINS: Okay. And did you 22 prepare a vision zero statement, and you might 23 want to just -- 24 ANNE RANDALL: Yeah. 25 STEVEN ROBINS: -- tell the hearing</p>	<p>172</p> <p>1 curb and it's not well lit street lighting. 2 All of those things can play into 3 accident information, and so that would be looked 4 at at the time of preliminary plan. Right now the 5 current guidelines, we're required to provide them 6 with the information but there's no direct 7 correlation -- other than doing the speed studies 8 and possible speed reduction, there's nothing in 9 the legislation right now that garners some 10 particular fix. 11 I know that they're working on the 12 change in that guidelines and beefing up vision 13 zero as the state has worked out and looking more 14 towards reducing accidents, so there will be a 15 little bit more of a tie-in probably by the time 16 we get to preliminary plan with the changes in the 17 new GIP and the LATR. 18 STEVEN ROBINS: And you've included 19 that in your report in Exhibit 40 -- 20 ANNE RANDALL: I did, yes. 21 STEVEN ROBINS: -- that response to the 22 request? 23 ANNE RANDALL: Yes, yep. 24 STEVEN ROBINS: Okay. Moving on, in 25 your professional opinion will vehicular access be</p>

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<p>1 safe, adequate and efficient? 2 ANNE RANDALL: It will. Again as 3 Randall Rentfro indicated, the sight distance is 4 more than adequate in each one of the site access 5 points. We will be required to provide frontage 6 improvements. All of our property onto public 7 roads will be improved to meet the standards, so 8 if there's a deficient sidewalk that's independent 9 of this LATR setting that has to be done along the 10 entire property frontage for ped, bike and motor 11 vehicles alike. 12 As noted all of the study intersection, 13 whether they're in the orange policy area or the 14 red policy area, are below the maximum threshold 15 for the county standards for vehicle adequacy. 16 And then finally, and I think it's pretty 17 important, is the site is providing the master 18 plan connectivity for motor vehicles, pedestrians, 19 cyclists and transit users. 20 There's an opportunity now for, you 21 know, whether you're going to the park or 22 providing that connection or the future 23 connections to the police station, Erskine Avenue, 24 all of those connections are important for all 25 users.</p>	<p>173 175 1 the zoning ordinance, excuse me, requires the 2 finding that the floating zone plan will, quote, 3 generate traffic that does not exceed the critical 4 lane volume or volume capacity ratio standards of 5 the applicable -- excuse me, standards as 6 applicable under the planning board's LATR 7 guidelines or if traffic exceeds the applicable 8 standard that the applicant demonstrate an ability 9 to mitigate such adverse impacts. 10 In your professional opinion, and I 11 believe you've testified to this, will the project 12 satisfy this requirement and why? 13 ANNE RANDALL: Yes, it will, and as 14 noted whether in the red policy area or not all of 15 the intersections will be well below the threshold 16 for volume-to-capacity ratio better known as the 17 delay. That's what's required, be it critical 18 lane or the V/C, we are meeting those standards 19 that are called out in the LATR guidelines. 20 STEVEN ROBINS: Okay. Regarding the 21 recommendation in the master plan regarding 22 connectivity to various neighborhoods and 23 particularly to Erskine is the Erskine connector 24 useful for this to accommodate that bowl of 25 circulation or transportation in the planning area</p>
<p>174 1 STEVEN ROBINS: Did M-NCPPC staff and 2 eventually the planning board agree with the 3 findings and conclusions in your study? 4 ANNE RANDALL: They did, and it's noted 5 on pages 22 through 24 of the staff report. 6 STEVEN ROBINS: And did they also agree 7 with the analysis that you had in your report 8 regarding the extension of -- or any connection of 9 Erskine? 10 ANNE RANDALL: Yes, they did, and it 11 was at their request that we include that. 12 STEVEN ROBINS: How about MCDOT and 13 SHA, they also reviewed this study, and I'm 14 assuming from your testimony and based on 15 experience that they will have a large say at 16 preliminary plan as well; is that correct? 17 ANNE RANDALL: That's correct, and they 18 initially reviewed our first report, both MCDOT 19 and SHA, and Exhibit 40 is the result of the 20 comments that they made to us in their initial 21 review, and we made all of those changes and 22 incorporated those into the report that's before 23 you. 24 STEVEN ROBINS: Okay. Just a few more 25 questions, Ms. Randall. Section 7.2.1.E.2.E of</p>	<p>176 1 -- 2 ANNE RANDALL: It is. 3 STEVEN ROBINS: -- as well as for 4 sector plan conformance? 5 ANNE RANDALL: It is. 6 STEVEN ROBINS: Is the property 7 serviced by public transportation, and if so can 8 you briefly describe how that is accommodated? 9 ANNE RANDALL: Yes, as I mentioned 10 previously the site is within a half a mile 11 walking distance from the Glenmont Metro Station. 12 It's served by 13 different metro and bus Ride On 13 routes with 19 different bus stops in the study 14 area and eventually the BRT, Bus Rapid Transit is 15 planned along the Georgia Avenue corridor, so that 16 will provide additional service through the area. 17 STEVEN ROBINS: I think you mentioned 18 bus stops and Ride Ons -- 19 ANNE RANDALL: Yeah. 20 STEVEN ROBINS: -- correct? 21 ANNE RANDALL: Yes, I did. 22 STEVEN ROBINS: Do you believe from a 23 traffic standpoint that the use is compatible -- 24 the application and the use that's proposed is 25 compatible with the surrounding area?</p>

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<p>1 ANNE RANDALL: Yes, I do. As I 2 indicated, all of the study intersections will 3 operate below the maximum LATR standards. 4 STEVEN ROBINS: Oh, I'm sorry. Go 5 ahead. 6 ANNE RANDALL: I'm sorry. I was just 7 flipping the page and I wanted to make sure I 8 didn't miss this. The other thing, because of the 9 density of the transit services in this immediate 10 area having dense development provides for a 11 couple of opportunities to reduce the number of 12 single occupant vehicles. 13 One, you get with your neighbor and 14 find out whether or not you're both working at the 15 same place and commute, so you've got that kind of 16 synergy within the community itself, but you've 17 got so many transit opportunities here. Bus, 18 walking, connectivity, all of those things get 19 people out of their automobiles. 20 And so you're much more likely to do 21 that in that kind of environment than if you were 22 to do single family homes, you don't know your 23 neighbors as well, you don't see them day to day 24 in the hallway, that kind of thing, so it just 25 affords an opportunity to increase the -- or</p>	<p>177</p>	<p>1 be given so that it gives a better chance to 2 potentially finishing we're happy to do that. 3 ELIZABETH ROGERS: Or take a short 4 break or whatever you decide. I just want to make 5 sure that -- I've heard people testify if they 6 can, you know, make comment and go to work and 7 stuff. 8 HEARING EXAMINER BYRNE: Right, so 9 we'll take this opportunity now. Again a show of 10 hands who here are going to be testifying in 11 opposition? One, two, three -- we have four, all 12 right, now testifying in opposition. I also want 13 to make sure that -- I know some of you all came 14 in late. 15 If you want to be considered a party of 16 record I need you to write your name, address, 17 phone number, E-mail all of that there, and if we 18 can go ahead and take the exhibit down and let's 19 open up and let's look at the camera, the people 20 on Zoom. 21 STEVEN ROBINS: Did you say there are 22 four people here that -- 23 HEARING EXAMINER BYRNE: Four. 24 STEVEN ROBINS: -- that are in the 25 audience that will testify?</p>	<p>179</p>
<p>1 reduce the number of people in a single occupant 2 vehicle. 3 And then frontage and offsite 4 improvements which is really important and I think 5 is a concern of the neighborhood, will be provided 6 to improve that pedestrian, bike and transit user 7 experience in this immediate neighborhood. 8 STEVEN ROBINS: Is there anything else 9 you'd like to add for the record? 10 ANNE RANDALL: Nope. 11 HEARING EXAMINER BYRNE: Okay. I don't 12 have any further questions for this witness. So 13 does that conclude your -- 14 STEVEN ROBINS: That does. 15 HEARING EXAMINER BYRNE: -- evidence 16 and testimony? 17 STEVEN ROBINS: That's all of our 18 witnesses, and we can do -- just as a suggestion 19 -- 20 HEARING EXAMINER BYRNE: Uh-huh. 21 STEVEN ROBINS: -- we can do one of two 22 things. We can keep going if you want or to hear 23 the testimony of record that is -- 24 HEARING EXAMINER BYRNE: Uh-huh. 25 STEVEN ROBINS: -- apparently going to</p>	<p>178</p>	<p>1 HEARING EXAMINER BYRNE: Yeah, four in 2 the audience. 3 STEVEN ROBINS: Okay. 4 HEARING EXAMINER BYRNE: And then let's 5 see. How many do we have left on Zoom? Let's 6 see. I guess we can do the -- however, you can do 7 like the gallery. 8 THE CLERK: Yeah. 9 HEARING EXAMINER BYRNE: I know there's 10 more. 11 STEVEN ROBINS: Can you list 12 participants? 13 HEARING EXAMINER BYRNE: Let's see. It 14 looks like we have eight people on Zoom. All 15 right. Okay. So I've got -- let's see. We have 16 Mr. -- I'm saying this wrong, and I know I am. 17 Mr. Villegas, you and the other lady that's with 18 you, so both of you wish to testify, correct? 19 LEOPOLDO VILLEGAS: That's correct. 20 HEARING EXAMINER BYRNE: Okay. 21 LEOPOLDO VILLEGAS: It's Villegas. 22 Thank you. 23 HEARING EXAMINER BYRNE: I can't 24 promise I'm going to get it right, but I'm going 25 to try.</p>	<p>180</p>

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181	<p>1 LEOPOLDO VILLEGAS: Thank you. 2 HEARING EXAMINER BYRNE: All right. So 3 let's go -- I wonder why we can't see everybody 4 else. 5 THE CLERK: They don't have their 6 camera on. 7 HEARING EXAMINER BYRNE: Oh. 8 STEVEN ROBINS: You might have to 9 actually say something. 10 HEARING EXAMINER BYRNE: Oh, you might 11 have to, yeah, turn your cameras on or say -- 12 that's why. Those guys have their cameras on. 13 All right. Ms. -- 14 THE CLERK: Is Sara one? 15 HEARING EXAMINER BYRNE: Sara's not 16 one. 17 THE CLERK: Oh. 18 HEARING EXAMINER BYRNE: So -- 19 ELIZABETH ROGERS: And Ms. Cason is 20 with us. 21 HEARING EXAMINER BYRNE: And Ms. Cason 22 is with you. A Becky W., if you could turn your 23 microphone and camera on really quickly. Okay. 24 We'll go to the next person. Angel. Angel 25 Betancourt, if you could turn your microphone and</p>	183	<p>1 STEVEN ROBINS: A break. 2 UNIDENTIFIED FEMALE SPEAKER: Oh, I'm 3 sorry. 4 HEARING EXAMINER BYRNE: No pressure, 5 just a break, like just if we take a break as a 6 group for 30 minutes is that enough? 7 STEVEN ROBINS: Yep. 8 HEARING EXAMINER BYRNE: All right. 9 Okay. So if we -- good God, me and glasses. All 10 right. So it is now 12:45. So if we come back at 11 1:15, and the other thing that I'm also going to 12 do is I want to make sure that I have -- like we 13 got a few things through the E-mail last night, 14 letters in opposition. 15 I want to make sure I have copies for 16 the applicant and we want to make sure that we 17 have everything in the record as well before we 18 start. Okay. All right. So we have 30 minutes. 19 We'll come back here at 1:15 and we'll start with 20 opposition testimony. 21 (Whereupon, a brief recess was taken in 22 the record.) 23 HEARING EXAMINER BYRNE: So we're going 24 to go ahead and get back on the record. Before we 25 get started with opposition testimony and</p>
182	<p>1 camera on if you wish to testify. 2 Okay. Let's scootch up. Andrew 3 Zaleski, if you could turn your camera and 4 microphone on. 5 ANDREW ZALESKI: I will not be 6 testifying. My concerns will be addressed by 7 others. 8 HEARING EXAMINER BYRNE: Okay. Thank 9 you. All right. So then -- so we just have the 10 two according to Zoom. I think everybody might 11 benefit from at least a little bit of a break, all 12 right, because I think that'll give those here an 13 opportunity to have a conversation and discuss. 14 Can -- I need to let these guys go by 15 3:00, so if we -- if we take a -- is 30 minutes 16 enough for everyone or do you need -- would 45 be 17 better? 18 STEVEN ROBINS: Thirty. 19 ELIZABETH ROGERS: Thirty. 20 FEMALE SPEAKER FROM AUDIENCE: Thirty, 21 I think. 22 HEARING EXAMINER BYRNE: I'm sorry? 23 FEMALE SPEAKER FROM AUDIENCE: Thirty 24 each or thirty total? 25 HEARING EXAMINER BYRNE: No, a break.</p>	184	<p>1 questions I want to identify -- we received -- I 2 went back, cross referenced the exhibit list with 3 documents we either received in the mail or 4 received by E-mail. 5 We received in the mail exhibit -- as 6 well as E-mail Exhibit 52 which was a letter of 7 opposition from seven community members. We 8 received also in the mail Exhibit 50 from Jan-Paul 9 Kopinski. We received in the mail Exhibit 51 -- 10 these were already received by E-mail. I'm just 11 putting on the record that we also received hard 12 copies by mail. 13 We also received Exhibit 54 from Ms. 14 Castro de Anderson in the mail, but we had also 15 identified them. They were already on the exhibit 16 list. They were received by E-mail. We have a 17 few additional documents that we received so 18 Exhibit 62, Richard Takamoto. 19 STEVEN ROBINS: 63. 20 ELIZABETH ROGERS: I'm sorry. 63 I 21 think. 22 HEARING EXAMINER BYRNE: You are 23 correct, 63. So I did it right the first time, 24 63. That one I believe you sent it by E-mail. I 25 went back. I didn't see that she had run the</p>

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<p>185</p> <p>1 exhibit list, so I'm making sure that we have it 2 on here as the exhibit list. 3 RICHARD TAKAMOTO: I sent a hard copy 4 as well. 5 HEARING EXAMINER BYRNE: That's the one 6 that we -- that I have in the mail, so I'm going 7 to make sure that it's identified as Exhibit 63, 8 so it's in there. If you didn't see it in there 9 before it's in there now. Exhibit 64 we had from 10 James Johnson, resident of Glenway Gardens 11 Condominium Association is Exhibit 4 and Exhibit 12 -- dang it, that was 64. 13 Exhibit 65 is a letter from Vicki 14 Vergagni, the board of directors, Glenway Gardens 15 Condominium Association. Copies of these three 16 documents have been provided to counsel for the 17 applicant. All right. And there was Ms. Linda 18 Bidlack who was on earlier. She did send an 19 E-mail. She didn't sign it. I asked her to go 20 ahead and sign it. 21 We're going to leave the record open, 22 but she had some very specific questions that I 23 think might be helpful to everybody that I think 24 we'll get through the testimony here first and 25 then maybe we can ask those questions and have</p>	<p>187</p> <p>1 do if those of you -- and I appreciate you sitting 2 here for a while -- don't mind I'd like to go to 3 Zoom first just in case to make sure that we don't 4 have any technical difficulties, so we have our 5 two witnesses that are available on Zoom so we'll 6 ask Mr. Villegas -- is it better? 7 LEOPOLDO VILLEGAS: No. 8 HEARING EXAMINER BYRNE: Still not? 9 Still, not, huh? 10 (Laughter.) 11 LEOPOLDO VILLEGAS: Leopoldo. 12 Leopoldo. 13 HEARING EXAMINER BYRNE: Leopoldo. All 14 right. I'm going to ask that you go first, sir, 15 so if you could raise your right hand for me. Do 16 you promise to tell the truth, the whole truth, 17 and nothing but the truth? 18 LEOPOLDO VILLEGAS: Yes. 19 HEARING EXAMINER BYRNE: Okay. What 20 would you like to say? 21 LEOPOLDO VILLEGAS: Oh, perfect. Thank 22 you so much, ma'am. I just wanted to -- my name 23 is Leopoldo Villegas, L-E-O-P-O-L-D-O 24 V-I-L-L-E-G-A-S. I am a physician by training. I 25 also have a master's degree in tropical infectious</p>
<p>186</p> <p>1 your experts come back up. 2 STEVEN ROBINS: How -- she's submitting 3 a letter? 4 HEARING EXAMINER BYRNE: She is 5 submitting a letter, but she had some questions in 6 there that -- 7 STEVEN ROBINS: Is she submitting a 8 letter like now or is it -- 9 ELIZABETH ROGERS: She did it, just not 10 signed. 11 HEARING EXAMINER BYRNE: She did it 12 because she couldn't stay. 13 STEVEN ROBINS: No, I understand that. 14 HEARING EXAMINER BYRNE: Yeah, yeah, 15 yeah. It's just not signed, so I've asked her to 16 sign it and send it, so -- but she does raise some 17 questions that I think we covered a bit that she 18 might have missed. 19 So at the end of the testimony when I 20 listen to see what everybody else has covered I'm, 21 you know, just belt and suspenders so we can put 22 this information on the record, I think it would 23 be beneficial to hear from the experts about some 24 of the questions that she's raised. 25 Okay. All right. So what I'd like to</p>	<p>188</p> <p>1 diseases, a doctorate in public health, and an 2 advanced diploma in public health management. 3 We work -- I work basically providing 4 technical support to many of the United States aid 5 agencies missions overseas. Part of my work is 6 advising ministers of health within the agencies 7 and that includes also managing the environment, 8 maintaining the environment. Today here I just -- 9 the first issue I'm going to raise is, one, and 10 this is for Montgomery County, communication. 11 There is a lack of communication. I 12 live at the corner of the intersection between 13 Erskine Avenue and Glenallan. I did not receive a 14 single letter of communication or notification of 15 the whole process. I did appear in some of the 16 meetings because my neighbors, some of the 17 neighbors give information. 18 And if you have a development of this 19 size, you have a high density -- this is five 20 times as well. So my question is this is going to 21 affect the whole community because it's outside 22 the border of the housing element. Every single 23 member of the community should be informed because 24 this will affect everybody. This is my first 25 point, is everybody is allowed to proceed.</p>

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<p>189</p> <p>1 How in the world nobody is really 2 checking or confirming that people get informed to 3 a magnitude -- of this development of this 4 magnitude in terms of density that will affect 5 everyone. This is for the first point. The next 6 point is something even more redundant talking 7 about we all -- in medicine when we plan any 8 procedure we basically carefully study this and we 9 look at any options and we discuss carefully every 10 procedure with the affected either patient or 11 whoever that means, and I don't think that we are 12 seeing this kind of operating authority being used 13 here because in medicine what a lot of times we do 14 is basically due harm to avoid suffering and to 15 help somebody have a good outcome, which medicine 16 is a divisibility of that.</p> <p>17 Here we have too many agencies here. 18 If this one wants something we would like to 19 request, if they as a part of the hearing and 20 getting into the record please do help us with a 21 long list of pending issues in this development 22 that have to be addressed in a later stage, but 23 I'm not here for any one of the residents, and 24 there are so many pending issues that has been 25 approved by the planning board.</p>	<p>191</p> <p>1 community is very aware of the safety issue due to 2 inclination of the difference of the slope between 3 Randolph and Glenallan. 4 We have been asking for the block or 5 bumps in the road. That has been denied by 6 transportation. We have been asking for sidewalk. 7 That has been denied by transportation. So we 8 begin today with a million dollars to do that. 9 Great, terrific, but we have failed to see the 10 whole future. Erskine Avenue doesn't stop with 11 Glenallan. Erskine continues to the other side of 12 Glenallan. 13 We don't hear of anything, so the 14 number of cars in one side of Glenallan close to 15 the middle and similar to the other side on 16 Glenallan which is east of the properties, we 17 don't see anything about that. So -- and I will 18 say here in (indiscernible) there's no mention of 19 the wildlife, what's going to happen. 20 We're going to talk about the trees and 21 the conservation. I think that will be described 22 here by other neighbors, but there's so many 23 different scenarios here that it will definitely 24 change the quality of life. It's completely 25 opposite today, the neighborhood characteristic,</p>
<p>190</p> <p>1 Some of the issues went unanswered, 2 some new information just came out here, and then 3 I have a specific question which is one of the 4 main ones as a father having kids and pets which 5 is safety. So we have a transportation report 6 saying we have to look for such in this 7 transportation report. A, again it's 8 noncompatibility, so I really would like to invite 9 all of the available persons and any consulting 10 firm to come to the community and talk to them to 11 see the compatibility of the community. 12 The traffic peak in this community is 13 not 8:00 a.m. It's when the school starts. The 14 traffic peak or the traffic problem is when people 15 trying to bypass and taking shortcuts for any 16 single way to trying to get to school, and that 17 means that they will go to Wallace, which is the 18 back of one of the schools just to drop their 19 kids. 20 So you can imagine if you give Georgia 21 access to Erskine you will have every single mom 22 and parents, we go through the shortcuts. They 23 will collect the roads, and they will also have a 24 -- maybe be a time of additional hassle for anyone 25 just walking on the street. There is no -- this</p>	<p>192</p> <p>1 and for the transportation department which is 2 where we present about this we wanted to know 3 numbers, but numbers based on the (indiscernible), 4 based on the (indiscernible). 5 We want to know the numbers at 9:00 6 a.m. with the people going to the school how many 7 people flowing in the buildings are going to be in 8 and out. How many service providers for those 9 people there -- I'm talking about Amazon, mail, 10 UPS, Fedex, how many of those cars meet and going 11 to be going through, and they want us to be coming 12 in, parents and whatnot, to the school through the 13 shortcuts. 14 During the first meeting that we had 15 with the developer we asked them point blank 16 directly what was important on having Erskine 17 Avenue for visibility, and the answer was it was 18 important, we can't develop without Erskine. The 19 day before and here -- another red flag, I would 20 like to raise the issue here, just the day before 21 the planning board we have a document F20240450 22 which is -- the planning board provided, paper 23 number nine based on a stipulation in which they 24 say that mobile transportation might not allow a 25 second entrance around it.</p>

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<p style="text-align: right;">193</p> <p>1 So we don't really know here what it's 2 talking about, so we really would like to have a 3 clarity here. There are so many things at issue 4 here and definitely we feel knowingly frustrated, 5 okay, but we also think that there are too many 6 unanswered issues here and we -- just to know 7 something to approve because they're following 8 every single requirement, you also are going to be 9 affecting the life of everyone who is living here 10 with us. 11 So I just really would like to call to 12 attention because this is going to jeopardize the 13 quality of life for everybody here. Thank you. 14 HEARING EXAMINER BYRNE: Thank you, 15 sir. And I believe you have a lady with you there 16 as well. All right. And ma'am, if you could 17 raise your right hand for me. Do you promise to 18 tell the truth, the whole truth, and nothing but 19 the truth? 20 BEVERLY O'BRIEN: I do. 21 HEARING EXAMINER BYRNE: And could you 22 state your name and spell it, please, for our 23 court reporter? 24 BEVERLY O'BRIEN: Beverly O'Brien, 25 B-E-V-E-R-L-Y O-B-R-I-E-N.</p>	<p style="text-align: right;">195</p> <p>1 factual habitat is not as beneficial to wildlife 2 as what I hardly believe that any of us are 3 enticed by having our beautiful surroundings 4 altered instead of driving an extra minute. In 5 order to save a significant amount of green space, 6 all of our surroundings will be jeopardized by the 7 opening of Erskine. 8 I also have adding traffic to a street 9 with so many children crossing does not seem like 10 a good idea. When children get in and out of 11 school there are a lot of children walking on 12 Glenallan and it would be dangerous to have cars 13 coming off Erskine when the children are out. It 14 just seems like inviting an environmental disaster 15 for little or no benefit. Thank you. 16 HEARING EXAMINER BYRNE: Thank you, 17 ma'am. All right. So now we're going to move to 18 those people that are here today. Is anybody -- 19 have you guys talked amongst yourselves, any 20 particular order? Okay. And could you raise your 21 right hand, please? Do you promise to tell the 22 truth, the whole truth, and nothing but the truth? 23 CECILIA CASTRO DE ANDERSON: I do. 24 HEARING EXAMINER BYRNE: Okay. Could 25 you please state your name for the record --</p>
<p style="text-align: right;">194</p> <p>1 HEARING EXAMINER BYRNE: Thank you. 2 And what would you like to tell us? 3 BEVERLY O'BRIEN: The opening of 4 Erskine would not be a large benefit for people in 5 the complex. It would have a large impact on all 6 the living things on and around the street. The 7 opening of the street would necessitate the 8 removal of living trees, trees that have been here 9 for many decades and would be destroyed. It would 10 be an environmental disaster. 11 A promise to plant trees to replace 12 those removed is not sufficient restitution for 13 the existing trees. In addition to the trees 14 there are many animals including deers, rabbits, 15 foxes, squirrels, frogs and birds in the area that 16 would have habitat destroyed and be opened up to 17 vehicle injury. 18 This, in Montgomery County where 19 environmental values are stated as important, it 20 seems like we'd be making a decision that requires 21 a large benefit to people in order to accept an 22 environmental disaster. The environment would be 23 ruined. 24 Adding extra exhaust to the cars there 25 is a conservation easement on the street and</p>	<p style="text-align: right;">196</p> <p>1 CECILIA CASTRO DE ANDERSON: Yes. 2 HEARING EXAMINER BYRNE: -- and spell 3 it? 4 CECILIA CASTRO DE ANDERSON: My name is 5 Cecilia, C-E-C-I-L-I-A, and my last name is three 6 words. The first one is C-A-S-T-R-O, Castro, the 7 second is D as in David, D-E, and the last one is 8 Anderson, A-E -- I'm sorry, A-N-D-E-R-S-O-N. 9 HEARING EXAMINER BYRNE: Thank you. 10 And what would you like to tell us? 11 CECILIA CASTRO DE ANDERSON: Thank you. 12 Good afternoon. My name is Cecilia Castro de 13 Anderson, and I have lived on 2009 Erskine Avenue 14 with my husband and three children since December 15 of 2005. Just for the record 2009 Erskine Avenue 16 is immediately on the side, the eastern side of 17 the property line. 18 I sent a letter with more details about 19 what I'm going to present today, but I would like 20 to summarize my main concerns about the proposed 21 project. While I understand the appeal the 22 proposed project may have for developers and 23 county authorities, it is simply not compatible 24 with its surroundings. 25 We live in a residential area</p>

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1 surrounded by nature in a unique setting that
2 needs to be preserved, and the proposed almost
3 five-fold increase in population density resulting
4 from the proposed project will seriously impact
5 our quality of life.

6 In terms of traffic congestion Erskine
7 Avenue dead ends into Glenallan. Glenallan is a
8 secondary road, so from Erskine you're pretty much
9 forced to either turn left or right on Glenallan,
10 so we, the neighbors, do not see the benefit of
11 opening Erskine in that sense, plus the light at
12 Randolph and Glenallan is only a few seconds long
13 controlling the traffic on Glenallan.

14 And traffic already backs up on
15 Glenallan during rush hour, and with all the
16 incoming traffic from Erskine that, like I said,
17 is forced to dead end into Glenallan this will
18 take make the situation worse. In addition to
19 that, the cars that would like to go into Erskine
20 to go to the proposed side or to Georgia Avenue
21 will more than likely cut the line that is waiting
22 at the light to be able to get into Erskine to cut
23 through.

24 The second issue is pedestrian safety,
25 and even though a lot has been said about it the

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1 reality is that the proposal to open Erskine
2 Avenue into Glenallan is a disaster waiting to
3 happen. The estimated hundreds of cars that would
4 come from Erskine versus the few handful that we
5 currently have only to be forced, like I said, to
6 turn either left or right on Glenallan, will
7 probably want to beat the traffic coming from
8 Glenallan to go through the light on Randolph
9 making this intersection extremely dangerous for
10 pedestrian residents.

11 Another issue or concern I have is the
12 overburdening of our schools. We have not heard
13 anything from any MCPS representatives about how
14 the exponential increase in population density may
15 or may not impact their schools, but I can tell
16 you first hand that the school my son attends is
17 already 500 students above capacity and they are
18 expecting the largest freshmen class in September
19 2024 making it the third largest high school in
20 Montgomery County after Blair and Walter Johnson.

21 So my question is how will the schools
22 manage this increase in population density when a
23 lot of the schools are -- in the area are already
24 at capacity or nearing capacity. And the fourth
25 concern I have -- I have more but my neighbors are

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1 going to address those more specifically.
2 My fourth concern that I have heard
3 nothing about is noise pollution because currently
4 our house, like I said, sits immediately next to
5 the eastern boundary of the property line, and the
6 only source of noise we have is from Randolph Road
7 because it's a six-lane thoroughfare with, you
8 know, buses, sirens, you know, honks and loud
9 engines especially in the summer, but if I open my
10 window onto Erskine all you hear is birds. It's
11 just the noises of peace, calm and quiet.

12 If I open my son's bedroom in the back
13 of the house that goes onto Allan -- I'm sorry,
14 Randolph, we can hear all the traffic, so right
15 now we are in this unique setting that is peaceful
16 and that is extremely relaxing and very, very hard
17 to find in Montgomery County because I was looking
18 at comparable properties and I could not find this
19 kind of setting.

20 And while I understand the necessity or
21 the desire to revamp the Glenmont Forest Apartment
22 Complex, I simply cannot understand why -- two
23 things, why it has to be so many more units than
24 what they currently have, and why especially they
25 have to open Erskine because right now they have a

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1 right in/right out only outlet on Randolph Road.
2 That has been there since the apartment
3 complex was built as far as I know in 1962, so if
4 that has been sufficient for all these years why
5 is it all of a sudden not an option and why, since
6 the property has been able to manage through the
7 current exit and out -- I mean the current ways in
8 and out of the property, why do they all of a
9 sudden need to open this literally three-house
10 long street that dead ends onto another secondary
11 street.

12 That does not make sense, and it will
13 surround our house with noise from Randolph and
14 from all the cars and traffic and potentially
15 school buses and sirens that will cut through
16 Erskine Avenue to honestly no benefit because as
17 we saw in exhibit, I think it was 46, Erskine just
18 would connect Randolph to Glenallan.

19 And honestly if anything we need a
20 better connection from Randolph to Georgia because
21 that's the way everybody takes to go downtown
22 which is, you know, what most people do in the
23 morning.

24 So if they were to like preserve the
25 current right in/right out driveway -- I mean

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<p style="text-align: right;">201</p> <p>1 entrance on Randolph and maybe to cut through the 2 median that is currently dividing Randolph Road 3 and give that an option to cars to turn left that 4 would make a lot more sense than adding all that 5 potential traffic to Erskine that, like I said, is 6 only forced -- you don't go anywhere from 7 Glenallan. 8 I mean, I don't want to say that, but 9 if you want to go somewhere you have to take 10 Randolph pretty much to go anywhere, so why not do 11 that with existing Randolph exit and work with 12 that that's already there. And I was going to say 13 other things, but then after hearing testimony I 14 can't help but notice to make some comments. 15 So my first one is the applicant's 16 witness from Grady Management stated that the 17 proposed project is compatible -- that's a word 18 that we've heard a lot compatible, compatibility. 19 He stated it's compatible with the surrounding 20 community and in the best interests of the public. 21 But this statement begs the question if 22 that statement is true why hasn't the applicant 23 very capable and impressively prepared team -- I 24 have to say I'm humbled by the level of 25 preparation. Why have they not presented a single</p>	<p style="text-align: right;">203</p> <p>1 on the side of the project. 2 Everything else is homes, single family 3 homes, so it is not eclectic, and then all of a 4 sudden we're talking about having buildings, 5 having townhomes, having wider roads, and it's 6 just not -- it simply is not true. Also the 7 applicant's third witness, I did not get your 8 name, sir, I'm sorry, but you talked about compact 9 development, the concept of building up and not 10 out as some sort of benefit. 11 But if anything this exacerbates the 12 density issue that we current residents are 13 worried about because to go from 482 units to 14 almost 2300, 2,275, even if it's a few, you know, 15 a little bit less like some of the experts say, 16 that's a three, four at least fold increase in the 17 current population density. 18 So I honestly don't see how that 19 compact development is a benefit. If anything it 20 makes this situation even worse, and also if the 21 Glenmont Forest Apartment Complex needs to be 22 remodeled then that's perfectly fine. I don't 23 think any of us neighbors are against that. What 24 we are against is the exponential increase in 25 population density and also of course the opening</p>
<p style="text-align: right;">202</p> <p>1 witness from the community to testify in favor of 2 the project? If it is in the best interests of 3 the public and if it is compatible with the 4 surroundings, then how come all the neighbors that 5 are speaking up are saying exactly the opposite? 6 We, our neighbors that have lived in 7 this area for years and decades -- Ms. Beverly 8 O'Brien that we just heard from has been in the 9 area 38 years. Why is she not speaking in favor 10 of this project if it is so compatible and if it 11 is in the best interests of the public? That's my 12 first question. 13 And also the assessment seem to be -- 14 all the assessment and the evidence presented seem 15 to be focusing on the benefit for the developers 16 for the clear -- you know, for income and for the 17 county in terms of revenue and potentially the 18 increase in business to the surrounding stores and 19 to metro, but what about quality of life? 20 Nobody mentioned anything about quality 21 of life, having such a large development right 22 next to a purely residential area because one of 23 the witnesses talked about eclectic neighborhood. 24 It is not eclectic. There is one church, there is 25 one fire station, and there's one police station</p>	<p style="text-align: right;">204</p> <p>1 up of Erskine Avenue. 2 Then the fourth witness whose first 3 name is Randall, but I didn't get your last name, 4 I'm sorry, he -- oh, yeah, so that's -- I'm sorry, 5 that's what I was referring to earlier about 6 opening up the Randolph side and opening up the 7 median possibly for the current right in/right out 8 only exit and use that which can manage a lot more 9 vehicular traffic flow than Erskine could ever, 10 you know. 11 And then the fifth witness, Ms. 12 Randolph. Now, you mentioned in your testimony 13 that the Erskine/Glenallan intersection will not 14 be heavily used, so therefore that will not be an 15 issue for pedestrians. So my question is if it's 16 not going to be heavily used then why open it in 17 the first place, why not leave this area as is? 18 If any of you were in the area you will 19 see what I'm talking about. This is a beautiful 20 green area. It's surrounded by trees. All you 21 hear is birds, and now the potential of having all 22 these people cut through our yards and, you know, 23 all the traffic and the honking and the congestion 24 is just a nightmare. 25 And I also wanted to point out that</p>

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<p>205</p> <p>1 there is an iron fence that was put on before we 2 moved in between our -- because it's on the 3 eastern line of the property there's an iron fence 4 that was put in I believe by the Glenmont Forest 5 Apartment Complex and the previous owners because 6 of all the encroachment by the residents because 7 they were cutting through our yard there, what's 8 currently our front yard, they were littering, 9 they were having their dog poops in our yard and 10 it was just a mess. 11 And so I'm not privy to the details of 12 that, but the reason that fence is there is 13 because of that, because they -- our neighbors 14 fought to protect the peace and quiet that we had 15 on our side of the neighborhood. As with this 16 project we'll be going back 25 or 30 years and 17 have the same issues all over again. So basically 18 my big question is this: Why so many units and 19 why open Erskine Avenue? 20 So in conclusion this project is just 21 not a right fit for our neighborhood and is not 22 compatible with the surrounding areas. I strongly 23 urge you, Madam Officer, to take a step back, to 24 listen to the neighbors that have lived in and 25 enjoyed this area for years or decades, and to</p>	<p>207</p> <p>1 as it grows. 2 One thing is that the area is really 3 economically diverse. Limited housing is an issue 4 everywhere, but limited affordable housing is at 5 least as if not more pressing in this area. The 6 proposal would dramatically ramp up the housing 7 and bring up the density a lot, but it will make 8 the affordable housing situation even more dire 9 than it is. 10 Even with the 15 percent affordable 11 housing level being promised, the plan is just I 12 think thinking a lot about the theoretical future 13 residents of the area, but I don't feel like it's 14 considering the people who are living in the area 15 right now as well. I just really don't want to 16 see this development driving the area into a more 17 homogenous future from the diverse area that we 18 have right now. 19 I really briefly wanted to talk about 20 runoff. Runoff does already occur in the area, 21 and the people living on Erskine have all had to 22 make property modifications to account for water 23 intrusion over time which is currently on Erskine 24 coming out of the development and flowing down. 25 Creating, you know, additional impermeable</p>
<p>206</p> <p>1 address our concerns before proceeding. Thank you 2 for your attention. 3 HEARING EXAMINER BYRNE: Thank you very 4 much. Okay. Who would like to go next? 5 LINDSAY ROE: Hi. I'm Lindsay Roe, 6 L-I-N-D-S-A-Y-R-O-E. 7 HEARING EXAMINER BYRNE: And Lindsay, 8 could you raise your right hand for me? 9 LINDSAY ROE: Oh, yes. 10 HEARING EXAMINER BYRNE: Do you promise 11 to tell the truth, the whole truth, and nothing 12 but the truth? 13 LINDSAY ROE: I do. 14 HEARING EXAMINER BYRNE: Thank you. 15 STEVEN ROBINS: I didn't -- I'm sorry. 16 I just didn't get your first name. 17 LINDSAY ROE: Lindsay. 18 STEVEN ROBINS: Lindsay. Thank you. 19 LINDSAY ROE: Yeah, no problem. Thanks 20 for having us able to come in and talk today. I 21 understand why people would want to live in this 22 area. You know, the Glenallan area is nice, 23 walkable, diverse and metro accessible, but I do 24 want to emphasize a few things that I think are 25 important in perserving the character of the area</p>	<p>208</p> <p>1 surfaces is only going to exacerbate the 2 situation. 3 I know that we saw that, you know, 4 possibly the permeable surfaces are going to 5 increase in the proposal so that's good, but I 6 just don't think that the project as proposed is 7 giving us the information that we need about water 8 management at this time, especially about keeping 9 water onsite during construction and in the 10 future. 11 Also in the presentation it was noted 12 that the plan was that a lot of the water was 13 going to be going to point two which is at the 14 bottom of Erskine, so everything on Erskine I 15 don't feel like we've really heard about what 16 water is going to do on our street. The removal 17 of a large number of healthy mature trees in the 18 development and especially in the proposed opening 19 of Erskine is kind of disturbing. 20 Montgomery County has a stated 21 dedication to shade trees. However, this project 22 is proposing to cut down dozens if not more than 23 dozens of healthy, living trees. A promise to 24 plant new trees to replace those mature trees is 25 not sufficient because a new tree can't replace</p>

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<p style="text-align: right;">209</p> <p>1 the ecological function of a mature tree and it's 2 unlikely to do so in the future. 3 In order to make a decision that would 4 have really negative impact on the environment it 5 seems like it would have to be balanced with a 6 really significant good so, you know, maybe this 7 development is that good and maybe it's not, but I 8 certainly don't think that opening up Erskine 9 balances out the environmental impacts that it 10 would cause. 11 In fact, I think that even opening up 12 Erskine in general may cause more headache than 13 benefit. You know, we've been describing Erskine 14 as a secondary road, but I kind of want to 15 describe what it is. It's a driveway basically. 16 It's a one-lane road that leads to four driveways. 17 That's the entire function of the road. 18 If, you know, if we want to call it a 19 road, you know, like -- and based on the sector 20 plan that we talked about, the goal of connecting 21 internal roads, I don't even know if the people 22 who wrote the sector plan could see what you're 23 connecting to if that would even count as 24 connecting to internal roads. I just don't know 25 how much that's getting at the goal.</p>	<p style="text-align: right;">211</p> <p>1 sidewalks, and then it's a really hazardous 2 situation for people walking around. 3 With travel patterns as they are right 4 now there's congestion on Glenallan in the morning 5 with residents of the local neighborhood further 6 down Glenallan getting to Randolph, and then for 7 the few of us on Erskine having to turn left onto 8 Glenallan is sometimes -- you know, it sometimes 9 takes a minute because the traffic gets backed up 10 down past Erskine in the morning. 11 So it seems like, you know, we're 12 building this road for the new complex, but it 13 would be adding frustration to people who are 14 trying to use this road when it just -- it doesn't 15 work very well for the purpose. It's very close 16 to the intersection with Randolph and as things 17 back up I can see people getting frustrated, going 18 out quickly and just causing accidents. 19 You know, I also don't understand -- 20 like the project has talked a lot about making 21 this a more walkable, bikable area, and I think 22 that's great, but I also don't understand why if 23 we're trying to make it a more walkable, bikable 24 area we need to add streets in order to do that. 25 So to me the only things that make</p>
<p style="text-align: right;">210</p> <p>1 You know, the complex already does have 2 exits onto Randolph and Georgia which are the 3 roads that you have to use to get anywhere in the 4 area. The only reason that you would use Erskine, 5 you know, you could use Erskine to get to Georgia 6 to Randolph or you could use it to turn right onto 7 Glenallan to go to Brookside Gardens and the 8 nature center. 9 You know, the applicant did say that 10 they don't expect that use -- that road to be used 11 heavily, and I just don't see the utility in 12 taking the nature out on that road in order that 13 people can be a few seconds quicker to get to 14 nature at the nature center. 15 In addition, adding both car and foot 16 traffic on this road would be hazardous because of 17 the sidewalk situation on Glenallan and I -- you 18 know, having a lot of -- adding a lot of cars and 19 then having a lot of people have to cross the road 20 there in order to get a sidewalk is hazardous, 21 especially right by the elementary school. 22 And I know in the testimony it was said 23 that they could make sidewalks, but I know that's 24 also dependent on how far that 9.9 million dollars 25 goes, so if the money runs out, we don't get those</p>	<p style="text-align: right;">212</p> <p>1 sense here would be to either leave Erskine alone 2 or to create a small path from the boundary of the 3 apartment buildings to the current Erskine Avenue 4 and make that a walking and biking path instead of 5 a road. That wouldn't create the kind of traffic 6 situations that we're talking about and it would 7 give residents in the apartment buildings easier 8 access to Brookside amenities through walking and 9 biking. 10 That plan could reduce the number of 11 trees removed on Erskine to zero or very close to 12 it, and then also having Erskine as a walking and 13 biking path could make the new apartment complex, 14 you know, more attractive to people because you 15 can highlight that it's walkable and bikable to 16 the park. 17 It also could be more exciting for the 18 local businesses because people might have more 19 reason to stick around if it was more walkable and 20 bikable and they could go over to the shopping 21 center and they'd be more motivated to do that 22 than drive to Don Pollo. 23 You know, we still have to address the 24 sidewalk and crossing of Glenallan but we can, you 25 know, figure out how to address that. But yeah,</p>

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<p style="text-align: right;">213</p> <p>1 overall thank you for the opportunity. 2 HEARING EXAMINER BYRNE: A quick 3 question for you. 4 LINDSAY ROE: Yeah. 5 HEARING EXAMINER BYRNE: So you talked 6 about how Glenallan backs up to Erskine. 7 LINDSAY ROE: Uh-huh. 8 HEARING EXAMINER BYRNE: Is there 9 particular times of day that that happens, how 10 often does that happen? 11 LINDSAY ROE: I mean, honestly I don't 12 drive a whole lot. I try to avoid it, but it 13 happens -- I mean, I would say in the morning and 14 the afternoon. Like I don't have particular times 15 because I would say my driving schedule is really 16 haphazard, but I would say morning and any time 17 maybe 3:00 to 6:00. 18 HEARING EXAMINER BYRNE: Okay. 19 LINDSAY ROE: But those are just real 20 wild guesses. 21 HEARING EXAMINER BYRNE: Okay. All 22 right. Thank you. 23 LINDSAY ROE: Thank you. 24 HEARING EXAMINER BYRNE: Okay. Who 25 would like to testify next? Okay. Would you</p>	<p style="text-align: right;">215</p> <p>1 here in Maryland, and asked them to review the 2 documentation available and provide me with their 3 professional assessment, recommendations about how 4 to proactively avoid issues of storm water runoff 5 related to the proposed construction. 6 On June 12th I sent a copy of this 7 professional engineering report to OZAH, and I 8 also followed that up and sent -- followed it up 9 with a hard copy that is in the mail and its on 10 its way. The engineering report that I submitted 11 provides a summary of Bramel Engineering's 12 findings and their recommendations based on the 13 information that was available at the time they 14 prepared that report. 15 I'd like to take a little side bar. 16 I've heard people giving out credentials. I want 17 to let you know Bramel Engineering was referred to 18 me by an attorney I've worked with in the past. 19 He vetted Bramel Engineering. They are expert 20 witnesses. Dr. Pase, Dr. Tara Pase was the 21 primary lead on preparing that report that was 22 submitted to the county. 23 Dr. Pase has a Ph.D. in civil 24 engineering from the University of Maryland. She 25 also has a bachelor's and a master's in civil</p>
<p style="text-align: right;">214</p> <p>1 raise your right hand for me? Do you promise to 2 tell the truth, the whole truth, and nothing but 3 the truth? 4 RICHARD TAKAMOTO: I do. 5 HEARING EXAMINER BYRNE: All right. 6 And could you please state and spell your name for 7 the court reporter? 8 RICHARD TAKAMOTO: My name is Richard 9 Takamoto, R-I-C-H-A-R-D T-A-K-A-M-O-T-O. 10 HEARING EXAMINER BYRNE: Okay. You can 11 go ahead. 12 RICHARD TAKAMOTO: I'm going to be 13 very, very brief here. My name is Richard 14 Takamoto. I've been a resident in Montgomery 15 County since 2006 and I've lived on Wallace Avenue 16 since 2007. My property is adjacent to the 17 Glenmont Forest Apartments, and my concern is 18 primarily about the storm water runoff from 19 Glenmont Forest Apartments. 20 This concern is based on previous 21 issues, the storm water runoff, and having to work 22 with Glenmont Forest to resolve those issues. Out 23 of concern to protect my home and property I as an 24 individual in the community hired Bramel 25 Engineering, a professional engineering firm based</p>	<p style="text-align: right;">216</p> <p>1 engineering from the New Mexico State University. 2 She has professional registrations. She's a 3 registered professional engineer in the state of 4 New York, the state of Maryland, the commonwealth 5 of Virginia and the state of New Jersey, and so 6 that's some background on who prepared the report 7 that I have submitted to the county. 8 And as noted in the engineering report 9 and as has brought up earlier today in some of the 10 testimony the storm water management concept plan 11 is not yet completed, and I have a better 12 understanding now about why that's in that current 13 status. However, based on again previous history 14 and experience I am very concerned about the storm 15 water runoff, and contrary to prior testimony and 16 on what we heard about no runoff coming from 17 Glenmont Forest Apartments I know that's not true. 18 I personally am an eye witness to 19 follow streams of water upstream to see that they 20 are coming from Glenmont Forest Apartments. It 21 also conflicts with the professional engineering 22 report as well, and I do have videos I've taken 23 over the years that show the water is coming from 24 Glenmont Forest Apartments. 25 I would also like to note that the</p>

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<p>217</p> <p>1 application does state that -- and it's been 2 brought up here earlier as well -- the site does 3 not contain any modern storm water management 4 facilities. However, and someone did mention 5 earlier as well, there is a riprap drain that runs 6 along the edge of the property, and when this 7 riprap drain is properly maintained it does divert 8 and keeps water from flowing onto my property or 9 causing any type of damage. 10 So it's imperative to me that during 11 the construction that this riprap drain is 12 maintained because there are I imagine going to be 13 a lot of sediment, a lot of runoff as the 14 construction takes place in what is being 15 proposed, and if this riprap drain is not 16 maintained I'm very worried about the potential 17 damage to my property, but other measures within 18 it have to be put into place to again make sure my 19 property is protected, and again this is also 20 outlined in the engineering report about that 21 riprap drain. 22 My neighbor Leopoldo brought up earlier 23 the issue about the timeliness of notification, so 24 I'm not going to talk about that, but I just would 25 like to acknowledge and thank Sara Behanna from</p>	<p>219</p> <p>1 HEARING EXAMINER BYRNE: Thank you. 2 VICKI VERGAGNI: So first of all, I 3 have to add my voice to that of the other local 4 mariners that have been here today because we live 5 there. Every day we live the life that there is 6 there, and so we are the ones that can tell you 7 what's going on. The people who are on the ground 8 will tell you how it's like. 9 One of the things I want to emphasize 10 that I heard them say many times is people have 11 not mentioned that the intersection of Glenallan 12 Avenue and Randolph Road has two school 13 populations coming across there, an elementary 14 school, and they do have a cross guard there, but 15 there's an elementary school. 16 There's also Kennedy High School, and I 17 can tell you that intersection is busy, busy, busy 18 with pedestrians and nobody has mentioned that, so 19 let me move on to my testimony. It is our 20 understanding that the rezoning request stipulated 21 above has been filed under the land use zoning 22 device identified as a floating zone, a concept 23 created to allow greater flexibility to a land 24 owner in the use of a parcel of land. 25 Further, a reading of guide to Maryland</p>
<p>218</p> <p>1 OZAH. I raised this concern with her and she did 2 acknowledge the concern and I corresponded with 3 her and she did step forward and has made attempts 4 to help out and make sure that we are -- I am 5 informed on a timely basis going forward, so I did 6 want to acknowledge Sara and thank her for her 7 assistance. 8 HEARING EXAMINER BYRNE: Okay. Thank 9 you. 10 RICHARD TAKAMOTO: And that's it for 11 me. Thank you. 12 HEARING EXAMINER BYRNE: All right. 13 Thank you. I appreciate that. I think we have 14 one more. Could you raise your right hand, 15 please? 16 VICKI VERGAGNI: Sure. 17 HEARING EXAMINER BYRNE: Do you promise 18 to tell the whole truth and nothing but the truth? 19 VICKI VERGAGNI: Yes. 20 HEARING EXAMINER BYRNE: Thank you. 21 Why did I just go blank there? I appreciate that. 22 And your full name, please, and spell it. 23 VICKI VERGAGNI: Okay. Vicki, 24 V-I-C-K-I, Vergagni, V as in Victor, 25 E-R-G-A-G-N-I.</p>	<p>220</p> <p>1 zoning decisions by Stanley Abrams has emphasized 2 that these floating zone requests must be 3 carefully considered and adopted with safeguards 4 to ensure, A, compatibility with the surrounding 5 neighborhood, and B, to assess whether they are 6 being done in the public interests. 7 Unfortunately today the only thing that 8 I have heard is this is conceptual, this is if 9 this would be, that would be, this has to wait for 10 preliminary plan, this has to wait for the site 11 plan. And I can guarantee you having been through 12 this before and having been working and watching 13 metro center a block away develop we're still in 14 the midst of that and everything is still -- 15 things are still not resolved. 16 It's still not developed, and we get a 17 notice in the mail and we have no idea what they 18 want to change because it never says what they 19 want to change on the card. It just says they're 20 having a hearing again about something other and 21 it's just been an endless process, so I am not 22 confident that we make a decision today. This is 23 not ripe for decisionmaking. 24 A floating zone must have concrete 25 information guarantying that it is compatible,</p>

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<p style="text-align: right;">221</p> <p>1 that it also is in the public interests. There 2 are many things that we have never had one piece 3 of evidence on, yet they are asking for approval. 4 As the elected representative of more than 550 5 residents in the staff defined neighborhood at 6 Glenwood Gardens Condominium directly across from 7 the proposed redevelopment those who have signed 8 this letter believe we have learned that any 9 detrimental effects on the surrounding area must 10 be considered in determining compatibility. 11 Detrimental effects on any of the 12 surrounding area must be considered in determining 13 compatibility. Existing uses in the neighborhood 14 must be considered in reaching these required 15 findings. Each of the residents wishes to be 16 identified as a party in our particular letter to 17 this official record of this case, and I have a 18 copy of my testimony here for you signed. 19 We have learned that the power to 20 regulate density is a legitimate exercise of the 21 police powers used in zoning since the character 22 of a neighborhood and the quality and lifestyle of 23 which we have heard nothing anticipated for it are 24 to be determined in part by the density of 25 development.</p>	<p style="text-align: right;">223</p> <p>1 available to the general public, and as we saw 2 today I think it is critical that people be able 3 to get access to the paper and pencil pieces of 4 data because it's very hard to see on the 5 electronic screen, and even though the information 6 is available electronically it's very hard. 7 You cannot get things to scale and 8 understand everything from the electronic files. 9 I'm really encouraging that there's more 10 availability of the paper. The first issue I'd 11 like to consider is transportation. The applicant 12 and Montgomery County planning staff report placed 13 considerable analysis on the existing and future 14 traffic impacts. 15 These appear to be acceptable under 16 LATR guidelines primarily as a result of the 17 millions of dollars invested by the Maryland State 18 Highway Administration in the grade separated 19 intersection of Georgia Avenue and Randolph Road. 20 However, the applicant did not provide information 21 on other crucial aspects of transportation 22 critical to the complexity of this application. 23 For example, the numbers and safety of 24 pedestrians generated by the redevelopment. If 25 you would walk from that development -- and first</p>
<p style="text-align: right;">222</p> <p>1 Now understanding what precedent land 2 use law requires for the approval of an 3 application for a floating zone we are stunned by 4 the enormity of the request in LMA H-149 and in 5 massive redevelopment in terms of projected 6 density, size and form of the structures. 7 Most overwhelming is the applicant's 8 total failure to consider the dangerous impacts 9 that their gigantic redevelopment will have on our 10 community and the quality of life of its 11 residents. One must question whether the 12 inspiration for this redevelopment project 13 originates with the thinking that led to notorious 14 projects built in New York City, Chicago and other 15 large cities post World War II. 16 Those projects quickly fell into 17 disrepute and were discredited because they failed 18 to acknowledge the other factors that determined a 19 successful life. Many were torn down and new 20 approaches to urban redevelopment were 21 implemented. Is the urgency of a need for more 22 housing going to take Montgomery County down this 23 same road? 24 I will now address specific areas of 25 concern based on the limited amount of information</p>	<p style="text-align: right;">224</p> <p>1 of all, it's going to be very difficult for 2 anybody to get to metro from that development. I 3 would challenge anyone to show us the route that a 4 pedestrian is going to take from that 5 redevelopment. 6 Then you're going to have -- you cannot 7 walk straight anywhere because you have a big 8 fence around the police department, so they're 9 going to have to walk up to Georgia Avenue. From 10 Georgia Avenue they're going to have to cross 12 11 lanes of traffic to get over to the corner where 12 the McDonald's is, and in those 12 lanes of 13 traffic there is a barrier as they get ready to 14 cross to McDonald's on the last set of lanes that 15 if one were pushing a stroller and a parent were 16 behind it and somebody comes whipping around to go 17 through the intersection somebody is going to get 18 injured or killed because it is blind. 19 We want to send how many people over 20 that every day, and we don't know how many people 21 are going to go over that. We don't know how wide 22 the road is, how much it can accommodate, so 23 people then have to walk there. Then they have to 24 go up on the side of the so-called shopping center 25 that we have that is the oldest stopping center in</p>

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<p style="text-align: right;">225</p> <p>1 Montgomery County that is unimproved, and then 2 they have to cross a lane where the traffic curves 3 onto Layhill, cross another little spot, then 4 cross a lane where people come down Layhill and 5 then go up to the metro bus and the metro rail. 6 It is not an easy shot to get up there, 7 and if you're nowhere close to Georgia Avenue and 8 you've got to go up Randolph and try to walk 9 across you have to understand that on Randolph 10 there is only one crosswalk from that development 11 and that is only on the east side. There's 12 nothing on the west side, so there's not two lanes 13 to go across Randolph for pedestrian traffic. 14 There's one small I think it may be 15 five feet wide cross-section across Randolph Road 16 that takes you to the shopping center, so it might 17 go across there, and then have to cut across the 18 shopping center. Do you know how absolutely 19 dangerous it is to walk through a shopping center? 20 That is where most of the car accidents occur, is 21 in a shopping center, and people will then be 22 required to walk through the shopping center to 23 try to get over through metro, so that's not a 24 very good route either. 25 The other thing that concerns me is</p>	<p style="text-align: right;">227</p> <p>1 happens to be where the police department is. How 2 many police decide that -- are going to appreciate 3 being backed up two minutes to get to an emergency 4 call because that is the road that they use, so 5 now the police don't have access to an emergency. 6 The safety and detrimental impacts of 7 these site access points are problematic. The 8 traffic safety issues created by the unique road 9 system dominated by the great separation at 10 Georgia Avenue and Randolph and the location of 11 the county police department district headquarters 12 are a serious consideration in this matter. 13 I talked about the applicant failed to 14 provide directional trip generation data for the 15 redevelopment or the splits. We don't know how 16 many cars, we don't know how many pedestrians, we 17 don't know how many bicycles, we don't know how 18 many transit including buses. Are the school 19 buses going to go into these little roads here in 20 this little development to pick up the kids when 21 we've got another form of transportation in the 22 midst of all this? 23 They did not evaluate the impact of 24 nearly five times as many pedestrians crossing 25 Randolph and Georgia with the most serious impact</p>
<p style="text-align: right;">226</p> <p>1 they talk about the in -- the traffic coming in, 2 the traffic going out. The traffic on Georgia 3 Avenue going north is a right in/right out only. 4 Where does the traffic go in the morning? It goes 5 south. So how do you get south when you have to 6 go across several lanes of traffic, go to a U-turn 7 and make a dangerous U-turn to head south, and 8 there's no storage lane there significant enough 9 to hold a number of cars right now much less add 10 how many cars for 2,275 homes. 11 So then you can say well, let's go out 12 the Randolph side. If you go out the Randolph 13 side they say well, it's a full service, full 14 light situation. No, it's not. There are two 15 lanes. There's one that goes straight out and 16 also to the left so that you can get over to 17 Georgia Avenue, and there's -- it either goes 18 forward into the shopping center or to the left if 19 you get over to Georgia Avenue, or there's one 20 that goes to the right on Randolph. 21 Where does everybody want to turn in 22 the morning? Most of the traffic that people take 23 they want to head west. They don't head east. 24 They head west where there is only one lane that 25 is shared with a straight forward. That also</p>	<p style="text-align: right;">228</p> <p>1 on Randolph Road where metro riders will have to 2 traverse a right of way that is eight to twelve 3 lanes wide. The multiple access points also 4 create other serious detrimental impacts. Two of 5 the access points are right in/right out only, 6 reducing directional choice of a driver from three 7 down to one. 8 Of course one could claim that the 9 answer to use a signalized main access in the 10 middle is a possibility, but this is incredibly 11 complex. That is a point -- where that is is the 12 Randolph Road goes down and it comes out onto 13 Georgia Avenue to feed it, and then there are -- 14 on either side there are lanes. 15 I don't know if you've been out there 16 to see it, but people are coming up here at a high 17 rate of speed, they're expecting to continue on, 18 and that's where the cross is, right a little bit 19 further down. So it's in the middle of a speed 20 area for people, so the grade separated lanes have 21 a lot of speeding cars in there. 22 They're also -- and nobody, I didn't 23 hear one mention from this team of the jughandle, 24 the jughandle where you have to turn off of 25 Georgia to the right and then you have to take --</p>

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<p style="text-align: right;">229</p> <p>1 go in front of the police station and then you 2 have to take this jughandle. There's no storage 3 for cars to wait in that jughandle. 4 Then you got to take the jughandle and 5 take the quick left, and you either have to get in 6 the right-hand lane so that you can turn right to 7 go down to our development or you can go straight 8 ahead or to the left, so straight ahead into the 9 shopping center or to the left, so that's another 10 situation of slow down that people have not be 11 discussing. 12 The jughandle for eastbound drivers 13 onto Randolph forces them -- then what happens is 14 if you can't turn what you have to do, turn left. 15 If you can't get in that lane you have to go down 16 Randolph and then you have to take a real turn at 17 Glenallan where the school children cross, the 18 high school kids and the elementary kids. It 19 sounds complicated, it sounds dangerous, and let 20 me tell you it is. 21 I would not want grandkids walking 22 across there seriously, yet the applicant and the 23 staff report make no serious mention of these 24 types of issues, despite the fact that 25 redevelopment can increase the value of traffic by</p>	<p style="text-align: right;">231</p> <p>1 rooftops, the asphalt, the sidewalks, everything. 2 That creates in a one-inch rain, understanding 3 that one inch of rain per square foot is .623 of a 4 gallon, that creates 772,887 gallons of water. 5 Where is the water going to go? We 6 haven't heard a storm water management plan from 7 the applicant at all, so storm water is a major 8 issue. The breadth and depth of this threat is 9 completely demonstrated in figure six, floating 10 zone plan of Montgomery County planning staff 11 report. The figure illustrates the rooftops of 12 the buildings, the asphalt areas of the parking 13 lots and the pavement in the street, all 14 impervious surfaces that create a storm water 15 management problem. 16 Now, the other thing you need to 17 understand is the grass is nice. Grass consumes 18 in an hour possibly one inch of rain, and we got 19 what, 11 percent of the ground in grass. A tree 20 consumes 14 inches of rain. A native tree 21 consumes 14 inches of rain in an hour and the 22 trees, 105 of them are going to go right away. 23 The other 290 if they do plant 290 are 24 small, they're not going to be consuming that much 25 water, so there's a serious problem here because</p>
<p style="text-align: right;">230</p> <p>1 400 percent. The request for approval of this 2 Local Map Amendment should be denied due to the 3 failure of the applicant to address transportation 4 compatibility and the public interest. 5 This type of road situation is not in 6 the public interests and it certainly is not 7 compatible with storm water management. The 8 Glenmont Forest Apartments have a long and 9 extensive history of creating storm water 10 management problems for their neighbors, nothing 11 of which you heard about, especially to the east 12 and south of the site. 13 With that history the plans for Local 14 Map Amendment H-149 demonstrate the applicant's 15 wanton disregard of facts and the potential harm 16 that would be inflicted. Now, what we didn't hear 17 from them, we heard about 11 percent has been set 18 aside for forest area. I have not heard, is 89 19 percent of the property impervious? If 89 percent 20 of the property is impervious let's talk a little 21 bit about rain. 22 If one inch of rain falls, and I 23 figured out if 11 percent is impervious -- if 89 24 percent is impervious there's 1,240,589 square 25 feet of impervious surface over there with all the</p>	<p style="text-align: right;">232</p> <p>1 they've taken away the water eaters, so the trees 2 being taken away is a serious, serious issue. 3 When compared to an aerial view of the property 4 you can readily observe the destruction of the 5 existing natural vegetation that will result from 6 this redevelopment. 7 The impact will be more frequent 8 flooding, higher flood peak flow and overwhelming 9 of downstream facilities. Our property -- I 10 manage Glenway Gardens. I've managed Glenway 11 Gardens for 25 years which is just a bit north of 12 this. We are at the intersection of Randolph and 13 Glenallan, so I have been dealing with this 14 property for a significant period of time as a 15 manager. I've also lived there since 1975, 16 probably one of your least stable residents but 17 I've been there. 18 The bottom line here is the request has 19 -- should be denied because they have failed to 20 address and give a concrete program for 21 compatibility and in the public interest, so again 22 there's nothing concrete, these are things we've 23 been thinking of and they might come up later on. 24 We cannot make decisions on that. 25 I can't make decisions as a property</p>

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<p style="text-align: right;">233</p> <p>1 manager on well, what if this building disappears 2 tomorrow, or what if this or that. You have to 3 make decisions on the basis of what you have in 4 front of you, and we are not getting a single 5 concrete anything from this team. 6 The third and final issue I'll say, and 7 final issue, is schools. Changes in zoning that 8 cause a need for large public investment and if 9 possible deleterious effects on public facilities 10 cannot be said to be an example of zoning in the 11 public interests without serious extensive 12 analysis. Did you see a letter today from anyone 13 from the school board that said we can handle all 14 this? I looked at that. 15 If you have 2,275 units and if they're 16 similar people who live there, are similar to the 17 people who live in my community, that will 18 probably result in about 1,050 kids going to 19 school, additional kids added to the rolls in a 20 cluster of nine schools. 21 Now, they're already overcrowded and 22 they're probably -- Kennedy High School would add, 23 oh, another 350. That's -- unless -- the only 24 thing that concerned me about this is I heard 25 2,275 homes. I heard how many three-bedroom ones,</p>	<p style="text-align: right;">235</p> <p>1 The record contained in the staff 2 report shows that the applicant said nothing on 3 the issue of school impacts. In fact, the 4 applicant in the attachments to the staff report, 5 personnel from park and planning and Montgomery 6 County Public School system make comments about 7 the schools, but make no concrete recommendations 8 on how to proceed with an analysis. 9 You -- all of these issues need to be 10 analyzed. We have not had the analysis we need to 11 say yes, this is concrete, now we have something 12 to make a decision on. The applicant has not met 13 its burden of proof on these issues, so therefore 14 with regard to the schools and the issue of 15 compatibility in the public interests we have to 16 say they have failed once again. 17 In Maryland there is extensive case law 18 covering the application of the floating zone in 19 zoning. Very important considerations in the 20 approval of the floating zone are compatibility 21 with existing or planned uses in the area and 22 whether the application is in the public 23 interests. 24 It also has been established in case 25 law that the burden of proof is upon the parties</p>
<p style="text-align: right;">234</p> <p>1 like 45 or 50 three-bedroom homes? 2 HEARING EXAMINER BYRNE: I think it was 3 49. 4 VICKI VERGAGNI: Forty-nine, yeah. And 5 how many two bedrooms, 273? 6 HEARING EXAMINER BYRNE: Two something. 7 VICKI VERGAGNI: What is the county 8 looking for in terms of housing? The housing that 9 is missing is the housing for the larger family, 10 and so we've got 1,900 homes for one person, for 11 single, for a studio or for a single person. 12 Is that going to help out with our 13 housing problem? I don't think so. But they 14 might not have kids so maybe this whole thing is 15 going to be off, I don't know. But the problem is 16 all familiar, it probably will introduce large 17 numbers of students generated by the vast increase 18 in the number of dwelling units. 19 Further, the requirements for the 20 approval of a floating zone application dictate 21 that the assessment of compatibility and impacts 22 on schools are the very first step in the approval 23 process, and we don't have a single piece of 24 evidence that there's not going to be an issue, 25 not one.</p>	<p style="text-align: right;">236</p> <p>1 seeking a rezoning classification to establish all 2 the elements of its case. The burden of proof 3 rests -- they must prove to us that it is 4 compatible and that it is in the public's 5 interests and that requires serious data. It 6 requires serious analysis. 7 Specifically Local Map Amendment H-49 8 has failed to provide the extensive evidence and 9 argument to support approval of this application. 10 There is significant evidence in the record that 11 the huge increase in density requested will have 12 negative impacts and be in compatible with the 13 existing neighborhood. 14 These negative impacts and 15 incompatibilities are in the areas of 16 transportation, storm water management and 17 schools. We therefore request that the 18 applicant's application be denied. Thank you very 19 much. 20 HEARING EXAMINER BYRNE: Thank you so 21 much. So I'll turn to the applicant now for 22 rebuttal and if -- and their witness. Do you need 23 a minute? 24 STEVEN ROBINS: Well, we do. What time 25 do you have to finish by? That's my biggest</p>

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<p style="text-align: right;">237</p> <p>1 concern because we will put on rebuttal witnesses. 2 We'll probably call each of our witnesses back to 3 -- 4 HEARING EXAMINER BYRNE: Each of your 5 witnesses? 6 STEVEN ROBINS: To -- and I don't know 7 whether you want to start that or -- 8 HEARING EXAMINER BYRNE: How long do 9 you think it'll take for rebuttal? Are you 10 looking at an hour or more? 11 STEVEN ROBINS: Maybe. Maybe, I mean. 12 HEARING EXAMINER BYRNE: Do you think 13 we could do it in 45? 14 STEVEN ROBINS: What's that? 15 HEARING EXAMINER BYRNE: Could we do it 16 in 45 minutes or do you think you need more than 17 that? 18 ELIZABETH ROGERS: It's 2:25. 19 STEVEN ROBINS: Should we meet for five 20 minutes to -- 21 HEARING EXAMINER BYRNE: Do you want to 22 take five minutes to see how long you think it'll 23 take? 24 ELIZABETH ROGERS: Yeah, can we take a 25 couple of minutes?</p>	<p style="text-align: right;">239</p> <p>1 certainly can try for a little bit less, but -- 2 HEARING EXAMINER BYRNE: All right. 3 Let's see if we can do it. I mean, 45 minutes is 4 probably pushing it for me because I gave them no 5 break, so we'll go ahead and -- we can go ahead 6 and try. 7 STEVEN ROBINS: And then we were 8 thinking for like our closing statement -- 9 HEARING EXAMINER BYRNE: Uh-huh. 10 STEVEN ROBINS: -- since you're keeping 11 the record open we would just -- we could do that 12 -- 13 HEARING EXAMINER BYRNE: You could 14 submit that in writing? 15 STEVEN ROBINS: Submit it in writing. 16 HEARING EXAMINER BYRNE: That would be 17 good. All right. 18 ELIZABETH ROGERS: That would also give 19 us an opportunity to review the stuff that we 20 haven't had a chance -- 21 STEVEN ROBINS: Yeah, because we 22 haven't had a chance to review -- 23 HEARING EXAMINER BYRNE: Right. 24 STEVEN ROBINS: -- Mr. Takamoto's 25 information.</p>
<p style="text-align: right;">238</p> <p>1 HEARING EXAMINER BYRNE: Absolutely. 2 ELIZABETH ROGERS: Okay. 3 HEARING EXAMINER BYRNE: So we're going 4 to go off the record for five minutes, so if 5 everybody could sit tight. 6 ELIZABETH ROGERS: Okay. 7 (Whereupon, there was a brief pause in 8 the proceedings.) 9 HEARING EXAMINER BYRNE: So while there 10 may be availability I don't necessarily have 11 availability in my budget to go past a certain 12 time. Ms. Vergagni had her -- not only her 13 testimony orally but in writing as well, so we had 14 Exhibit 65 as Vicki Vergagni. 15 I'm going to identify that as Vicki 16 Vergagni cover letter. And then we had Exhibit 17 66, Vicki Vergagni testimony, and I have a copy of 18 that for you all as well, so that's Exhibit 66. 19 So do you think you can wrap it up or do you want 20 to come back on another day? 21 ELIZABETH ROGERS: Our best guess is we 22 probably -- 23 STEVEN ROBINS: Go ahead. 24 ELIZABETH ROGERS: I think our thinking 25 was we probably need an hour for rebuttal. We</p>	<p style="text-align: right;">240</p> <p>1 HEARING EXAMINER BYRNE: So we can -- 2 so let's get as much testimony as we can on the 3 record now. I'm willing to keep the record open a 4 little bit longer to address the written testimony 5 that was submitted, additional questions that have 6 come in so that you can supply responses to the 7 concerns of the residents. 8 STEVEN ROBINS: I would say -- I would 9 just ask that our written statement at the end 10 based on the review of the materials that we just 11 got would just be our statement. There's no other 12 information coming in, no other written documents 13 from the community, et cetera. We would be -- it 14 would be our closing statement. 15 HEARING EXAMINER BYRNE: All right. So 16 what I will do is we had the E-mail from Ms. 17 Bidlack and I have an extra copy for you. I'd 18 just asked that she sign it, so I'd see no reason 19 why she wouldn't sign it, so this way you have 20 that information as well. 21 STEVEN ROBINS: Okay. 22 HEARING EXAMINER BYRNE: So you can 23 specifically address that in rebuttal as soon as 24 we get that, so I left the record open for her to 25 submit --</p>

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<p style="text-align: right;">241</p> <p>1 STEVEN ROBINS: Oh, these were 2 questions that she had? 3 HEARING EXAMINER BYRNE: These were 4 questions that she had. 5 STEVEN ROBINS: Sure. 6 HEARING EXAMINER BYRNE: Concerns and 7 statements and questions that she had as well. 8 Okay. So let's go ahead and get started. 9 ELIZABETH ROGERS: Okay. Nancy. 10 STEVEN ROBINS: You want her to go 11 first? Okay. 12 ELIZABETH ROGERS: All right. I call 13 Nancy Randall back up. 14 HEARING EXAMINER BYRNE: And just a 15 reminder that you're still under oath. 16 ANNE RANDALL: Yes. 17 ELIZABETH ROGERS: Great. Ms. Randall, 18 we've heard some testimony today regarding 19 concerns over potential details and queues at 20 certain intersections, particularly at Glenallan 21 at the signalized intersection. Is that something 22 that your study evaluated and that you can comment 23 on? 24 ANNE RANDALL: Yes, it did. Every 25 single intersection was looked at from the point</p>	<p style="text-align: right;">243</p> <p>1 changed on Glenallan because of that because that 2 was a signalized intersection. We'll be capturing 3 that. In addition, when you put in a new signal 4 they go through a period of time where they look 5 at the signal timing and adjustments are made when 6 you put a new signal into the system. 7 So all of that will be considered when 8 we do our new analysis. We'll update signal 9 timing, if any adjustments have been made, and 10 this will be done at the time of the preliminary 11 plan, but at this point this application, it met 12 the burden as required by the LATR standards. 13 ELIZABETH ROGERS: And Ms. Randall, 14 following up on that in terms of the queue, kind 15 of the testimony about the queue backing up on 16 Glenallan specifically towards kind of Erskine, 17 did you analyze that, and is that also something 18 that can be adjusted with some of the offsite 19 frontage improvement money that the applicant has 20 to spend if there was determined to be an issue to 21 improve the situation? 22 ANNE RANDALL: Yes, we did analyze the 23 queue. There is a queue that occurs at any 24 intersection. The question is how long is that 25 queue and how long does that queue last. The</p>
<p style="text-align: right;">242</p> <p>1 of view of delay, which is the requirement of 2 LATR, and certainly the queue reports were also 3 contained. The State Highway Administration as 4 well as the MCDOT and the park and planning staff 5 reviewed our report and agreed with the results of 6 our report. 7 The state is going to look at this 8 again when we get to the time of preliminary plan. 9 The queue is not a requirement, meaning APF or the 10 LATR standard. They were concerned about a couple 11 of the ramps that they have at the interchange, 12 but we will have all new counts that will be done 13 at that time and the queue studies will be done at 14 the time of preliminary plan. 15 One of the things that should be noted 16 is that when we did our original study, and I'm 17 going to mispronounce the name of the road, but up 18 by the school there -- when we originally did our 19 counts that school was not the intersection where 20 the access is, and I think it's Heurich or 21 Heurich. It's H-E-U-R-I-C-H and it's -- that 22 intersection was not signalized when we did our 23 analyses. 24 It was a very recent signal 25 installation, so traffic patterns probably have</p>	<p style="text-align: right;">244</p> <p>1 worst were the 95th percentile queue was 255 feet 2 based on the calculations. 3 And some of the other comments that we 4 heard in the letters that were received for the 5 record indicated that there's very little green 6 time given to the side street, Glenallan and some 7 of the other streets for that matter, and that's 8 one of the things that this money can be spent on, 9 is the additional time it needed to clear out the 10 side street. 11 And most of that is going to be, you 12 know, with an increase in pedestrians additional 13 crossing time is needed, and that in turn allows 14 for additional green time for the side street. So 15 if you're crossing Randolph Road you've got the 16 through movement that's going across over on 17 Glenallan, and that's not in conflict with the 18 pedestrian that's going across at that time. 19 So there's going to be signal timing 20 changes I'm sure through the system if they 21 haven't already started to happen with a new 22 installation of the signal and that's just one 23 intersection to the east, the new signal. 24 ELIZABETH ROGERS: And just I think you 25 touched on this earlier, but just based on some of</p>

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<p style="text-align: right;">245</p> <p>1 the information we heard in testimony just now 2 regarding kind of the lack of information at this 3 stage I think what you -- well, can you restate 4 what is required at the Local Map Amendment stage 5 versus what you studied in your LATR report? 6 ANNE RANDALL: Yeah, we provided 7 everything, everything and then some that is 8 required of an LATR report. As I mentioned, if 9 this were a standard LATR report we would not be 10 looking at those intersections that are in the red 11 policy area because they're not required, but we 12 did do that for the purpose of this application. 13 In addition, we provided the trip 14 generation calculations and that mode split is 15 shown in our trip generation table. This is very 16 different from the time when Vicki and I were on 17 opposite sides of the Glenmont Metro. 18 We had a different type of requirement 19 back then. It was a different LATR standard. 20 Trip generation builds in that mode split. 21 Transit, ped, bike and vehicle, all of that is 22 calculated in those trip generation tables. 23 HEARING EXAMINER BYRNE: When is that 24 final decision made for what -- the ultimate LATR? 25 So we talk about here we are at the LMA stage,</p>	<p style="text-align: right;">247</p> <p>1 of those maybe in turn. One is can you speak to 2 kind of the data that is set forth in your report, 3 how that relates to some of the traffic that the 4 community might be seeing from the schools? 5 ANNE RANDALL: Right. When we do our 6 turning movement counts we go out and collect the 7 data. We collect traffic volume, pedestrian 8 volume, bicycle volume. All of that is collected. 9 It's a requirement of the county. We count in the 10 morning peak hour from 6:30 to 9:30 and then we 11 count in the afternoon from 4:00 to 7:00 so that 12 we are capturing the peak highest volume out on 13 the road system so we know the worst case, so 14 we're picking up the school volume in the morning 15 peak hour because we're counting from 6:30 to 9:30 16 in the morning. 17 In the afternoon if school lets out at 18 2:30 we're not picking up that school volume, but 19 the main line volume on Randolph Road is going to 20 be much higher at 4 and 5 o'clock in the 21 afternoon. There's an increase on the side street 22 during that school time but not an increase on 23 Randolph Road, so if I had to -- I'm going to do a 24 very simple kind of explanation. 25 If I have in the p.m. peak hour 3,000</p>
<p style="text-align: right;">246</p> <p>1 what you have to provide to the hearing examiner 2 and ultimately to the district council to prove 3 that you've established a specific threshold for 4 the Local Map Amendment. 5 At what point do you -- does the rubber 6 hit the road, so to speak? When do you hit those 7 final numbers for what's safe, what's not safe 8 term radius, when you're going to put a light in, 9 all those things? 10 ANNE RANDALL: Preliminary planning. 11 Preliminary plan. 12 HEARING EXAMINER BYRNE: Okay. 13 ELIZABETH ROGERS: And I guess just to 14 follow up on that question, is the reason that 15 you're answering it's preliminary plan is because 16 that is when the final adequate public facilities, 17 you referenced APF earlier, that's adequate public 18 facilities, for vehicular adequacy is determined 19 by the planning board, at the time of preliminary 20 plan? 21 ANNE RANDALL: It is. 22 ELIZABETH ROGERS: Thank you. There 23 was some testimony given regarding school safety 24 and also kind of impact, so school traffic on 25 local transportation, so I guess we'll take both</p>	<p style="text-align: right;">248</p> <p>1 cars that are going through the intersection at 2 5:00 p.m., and this is really simplified, at 5:00 3 p.m., and on Glenallan I've got 200 cars at 5:00 4 p.m., then I've got 3500 that are competing for 5 the time and space in that intersection. During 6 school at 2:30, 3 o'clock on Randolph Road, I've 7 got 1500 or 1700 cars and I've got 300 cars on 8 Glenallan. 9 You add that together, all those 10 vehicles, it's significantly less than -- I'm not 11 saying that's the case, but that's why the county 12 has us look at specific time frames and specific 13 peak hours, because the main line is going to be 14 the control and trying to push the traffic 15 through. 16 And that may be another one of those 17 things that we would end up looking at, would be 18 what is the signal timing out there, what are the 19 changes, what adjustments can we make because one 20 of the things we have to do is to improve the 21 pedestrian experience. 22 And so that's why we will be looking at 23 signal time, what can we do to help the pedestrian 24 get across the road, and that would entail looking 25 at what's happening through the day, not just</p>

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1 during those peak hours. Yep.
2 ELIZABETH ROGERS: Thank you. And in
3 terms of I guess the issue of school safety I just
4 wanted to expand a little bit further on previous
5 testimony you had given earlier today regarding
6 the benefits that this application is going to be
7 able to provide to the surrounding community, not
8 just improvements on our property but to the
9 surrounding neighborhood, if you'd touch on those
10 in that context of pedestrian and school safety a
11 little bit further.
12 ANNE RANDALL: Sure. As I indicated,
13 we have a rather substantial sum of money to put
14 toward various pedestrian, bike and transit
15 improvements and constructing sidewalks on areas
16 where they're deficient. Clearly Glenallan on the
17 southeast side of Glenallan is deficient. There
18 are no sidewalks at all.
19 There are no sidewalks at all on
20 Erskine, and along Randolph Road there are
21 sections that -- where the sidewalk is there, but
22 there's not a big buffer associated with that from
23 the roadway, and so that's the kind of thing that
24 we're going to be looking at.
25 Yes, it benefits our development, no

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1 question, but more importantly it provides for the
2 entire Glenmont community. We're going to be
3 looking along our property frontage, Glenallan,
4 Randolph Road, Georgia Avenue. All of those
5 things are going to be looked at in terms of how
6 we go about efficiently spending this money to
7 improve pedestrian experience, ADA compliance, all
8 of those things.
9 Very little needs to be spent on
10 physical road improvements. The intersections are
11 working fine. Will we be doing things to the site
12 plan internal to our site to make sure that we
13 accommodate our traffic? Absolutely, but that
14 doesn't come out of that nine or ten million
15 dollars. That's internal.
16 ELIZABETH ROGERS: Thank you. And I
17 guess just following up on that there was several
18 pieces of community correspondence, you know,
19 talking about how a pedestrian crossing was
20 previously denied at Erskine and Glenallan, I
21 believe. And with the offsite improvements that
22 are likely to be required by this application and
23 that large sum of money to fund them will that
24 make it more likely that it's feasible to have a
25 crossing of Glenallan for a pedestrian than

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1 existing conditions if you can --
2 ANNE RANDALL: Absolutely, and it's
3 existing conditions but also the improvement to
4 those building the sidewalks, but it also has to
5 do with volume and many of the children will be
6 able to walk to that school. Part of that
7 development is very close to the school and
8 probably within walking distance of that school.
9 So an increase in student population
10 encourages the county to step up and say okay, we
11 can have now a crossing at this location and a
12 crossing guard for that matter, so I would hope --
13 HEARING EXAMINER BYRNE: I'm sorry. I
14 mean, I see she's raising her hand. She's in the
15 middle of her rebuttal testimony, so --
16 CECILIA CASTRO DE ANDERSON: Okay.
17 HEARING EXAMINER BYRNE: I'm sorry.
18 ANNE RANDALL: So we will -- obviously
19 when we get ready to make the road improvements
20 we'll be working with the Montgomery County staff.
21 We'll be working with park and planning staff, and
22 the school system I believe gets involved. Others
23 know the coordination of the school, but I'm
24 assuming so, but that's an issue obviously.
25 ELIZABETH ROGERS: Okay. Thank you.

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1 There was some correspondence given in the oral
2 testimony by the community regarding a
3 characterization I think of what you had said
4 about traffic on Erskine and that there would be
5 very little traffic from our development put onto
6 Erskine. I just wanted to see if you could
7 clarify for the record what you had testified to.
8 ANNE RANDALL: Yeah. Erskine is not
9 going to be our primary access for the site. So
10 as I indicated, the orientation of the traffic is
11 -- the majority is both south and southwest. But
12 is Erskine important for the connectivity and the
13 neighborhood? Absolutely.
14 I don't mean to say that there's no
15 traffic that will come from this site. There will
16 be. It's just not going to be taking the lion's
17 share, and probably somewhere around 10 to 20
18 percent if I had to put a number on it, but that
19 may change depending upon the final layout of the
20 project. As you recall, they are going to have --
21 HEARING EXAMINER BYRNE: Let me
22 interrupt you.
23 ANNE RANDALL: Sure.
24 HEARING EXAMINER BYRNE: So what I
25 heard from the community and what I heard from the

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1 experts is that opening up Erskine satisfies the
2 master plan connectivity, the sector plan, creates
3 that traffic flow, but what I heard from the
4 residents was opening up Erskine then leads to
5 noncompatibility with their neighborhood,
6 increased issues for traffic, safety and flow.
7 It's a really short distance, and so
8 what I'm asking asked here to balance is does it
9 meet the plan, and if it meets the master plan and
10 the sector plan is that now in conflict with
11 compatibility with the neighborhood and safety,
12 right?
13 So what I want to know is if Erskine is
14 not opened how does that impact this plan aside
15 from it's something that planning wants, maybe
16 it's -- you know, it satisfies all those let's
17 connect the dots --
18 ANNE RANDALL: Uh-huh.
19 HEARING EXAMINER BYRNE: -- because
20 we've been making these planning documents happen
21 for a really, really long time.
22 ANNE RANDALL: Uh-huh.
23 HEARING EXAMINER BYRNE: So I'm going
24 to balance that with the impact on the community,
25 so I hear what you're saying.

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1 ANNE RANDALL: Yep.
2 HEARING EXAMINER BYRNE: It's going to
3 take a reduced number based on your estimation
4 because it's super small. It's this short little
5 cut-through.
6 ANNE RANDALL: Exactly.
7 HEARING EXAMINER BYRNE: And so is it
8 worth it I guess is my question to you.
9 ANNE RANDALL: Well, there's so much
10 more than just traffic as to whether it's worth
11 it.
12 HEARING EXAMINER BYRNE: Okay.
13 ANNE RANDALL: And that would be
14 potentially a land planning question --
15 HEARING EXAMINER BYRNE: Okay. Then
16 that's fine.
17 ANNE RANDALL: -- as well as a
18 transportation, but --
19 HEARING EXAMINER BYRNE: If I can get
20 somebody to answer that question for me --
21 ANNE RANDALL: Right, right.
22 HEARING EXAMINER BYRNE: -- before we
23 finish today that'll be good.
24 ANNE RANDALL: Yeah, but from a traffic
25 perspective, and I mean that in a multimodal

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1 sense, to have the pedestrian access with the
2 school there I think would be a big benefit, and I
3 think that benefit would also go to the community
4 as well. To -- does it make a difference from a
5 traffic perspective? Probably not.
6 You know, having that -- having that
7 for the police department connectivity, to be able
8 to get to that community that much quicker, to
9 respond that much quicker -- you got to remember
10 we've got a couple of emergency services that now
11 will have another way to get there, and so there
12 are some benefits that go beyond just this
13 increase in traffic and having another point of
14 access, but there is benefit to that community as
15 a whole.
16 ELIZABETH ROGERS: I guess another kind
17 of follow-up. We heard characterization over what
18 Erskine feels like and looks like today, and I
19 know you haven't done engineering reports but you
20 kind of described earlier about how you assess
21 right of way widths. Can you please just describe
22 how much right of way appears to be there and kind
23 of what it -- how it's being utilized and how --
24 ANNE RANDALL: Yeah.
25 ELIZABETH ROGERS: -- that may be

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1 impacting some of this?
2 ANNE RANDALL: Yeah. Based on my
3 observations, and I have not taken a tape measure
4 to this, and Randall Rentfro -- Mr. Rentfro
5 probably could give you the actual width, but it
6 appears that the right of way width is 60 feet and
7 that's county owned right of way.
8 And there are planting boxes that have
9 been put in the right of way, there's various
10 things that -- from the residents that have
11 encroached on that public right of way, but there
12 is 60 feet there which is more than sufficient to
13 put in the roadway needed, the sidewalks needed,
14 the buffer for those sidewalks to come out onto
15 Glenallan.
16 ELIZABETH ROGERS: Okay. And I guess
17 just to reiterate another similar testimony that
18 was given by the community regarding that right
19 in/right out access on Randolph Road, is it true
20 that the applicant's intention is to maintain that
21 access point as a right in/right out?
22 ANNE RANDALL: Absolutely. Yeah,
23 that's our intent.
24 ELIZABETH ROGERS: And has -- is park
25 and planning supportive of maintaining that?

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<p style="text-align: right;">257</p> <p>1 ANNE RANDALL: Yeah, based on 2 everything I understand that they are in support 3 of that, but it is going to come down to MCDOT and 4 their decision clearly, so between park and 5 planning and the applicant we're working toward 6 maintaining that right in/right out. 7 Someone has raised the question of a 8 median break. That will not be permitted because 9 we don't meet the spacing requirements for a full 10 intersection at that location at the right 11 in/right out. 12 ELIZABETH ROGERS: And in your 13 professional opinion will the connection to 14 Erskine be important to traffic circulation if 15 that right in/right out was for some reason not to 16 be granted by DOT in time of preliminary plan? 17 ANNE RANDALL: It would be, yeah. 18 CECILIA CASTRO DE ANDERSON: Madam 19 Officer? 20 HEARING EXAMINER BYRNE: Yes. 21 CECILIA CASTRO DE ANDERSON: I just 22 have -- I just have a very quick comment and it 23 has nothing to do with rebuttal. I just wanted 24 the record to reflect that this hearing, the 25 timing -- I mean, the time management has been</p>	<p style="text-align: right;">259</p> <p>1 and schedule on another day, but when we concluded 2 the testimony for the opposition the choice was 3 made by the applicant to be able to go ahead and 4 do rebuttal. 5 CECILIA CASTRO DE ANDERSON: I 6 understand. 7 HEARING EXAMINER BYRNE: So it's not 8 necessarily an issue of fairness. It's an issue 9 of how the application process works. 10 CECILIA CASTRO DE ANDERSON: I 11 understand. Now my question is is it possible for 12 us to submit comments to this rebuttal in writing? 13 HEARING EXAMINER BYRNE: No, because 14 they have the last word -- 15 CECILIA CASTRO DE ANDERSON: Okay. 16 HEARING EXAMINER BYRNE: -- as the 17 applicant and that's the way that the -- that's 18 the way that the law is set up. That's the way 19 our rules are set up for an administrative 20 hearing. 21 CECILIA CASTRO DE ANDERSON: Okay. I 22 understand. Thank you. 23 HEARING EXAMINER BYRNE: Okay. Thank 24 you. 25 ELIZABETH ROGERS: Okay. That's it for</p>
<p style="text-align: right;">258</p> <p>1 extremely unfair because the applicants were given 2 three and a half hours pretty much to testify. 3 We, the neighbors, were able to testify 4 for a few minutes and now we hear plenty of 5 inaccuracies that we are unable to rebut and that 6 is unfair. 7 HEARING EXAMINER BYRNE: So one of the 8 issues is that the burden of proof is on the 9 applicant. The applicant -- 10 CECILIA CASTRO DE ANDERSON: Yes, I 11 understand. 12 HEARING EXAMINER BYRNE: -- has the 13 time that they need to present their case. I hear 14 what you're saying. I tried to leave it open to 15 let you speak at length, so I didn't cut anybody 16 off. 17 CECILIA CASTRO DE ANDERSON: Uh-huh. 18 HEARING EXAMINER BYRNE: I didn't limit 19 anybody's time to testify. I didn't prohibit any 20 documents from coming in. 21 CECILIA CASTRO DE ANDERSON: I 22 understand. 23 HEARING EXAMINER BYRNE: I was more 24 than happy to -- we could have -- like if you 25 needed more time I'm more than happy to come back</p>	<p style="text-align: right;">260</p> <p>1 Ms. Randall. 2 HEARING EXAMINER BYRNE: And your next 3 witness? 4 ELIZABETH ROGERS: We'll call Matt 5 Leakan back up. 6 HEARING EXAMINER BYRNE: And just a 7 reminder that you're still under oath. 8 MATTHEW LEAKAN: Yes. 9 HEARING EXAMINER BYRNE: And if you 10 could just go ahead and please state your full 11 name. 12 MATTHEW LEAKAN: Yes. Matthew Leakan 13 for the record on behalf of the applicant. 14 ELIZABETH ROGERS: I guess first we'll 15 take the hearing examiner's question. If you 16 could just touch on -- with the connection of 17 Erskine from a land planning perspective and kind 18 of the question -- hopefully I'll express your 19 question right. 20 But balancing the sector plan you 21 clearly testified the sector plan the county 22 council, the planning board has determined that 23 they want this connection and they want this 24 connectivity balancing out with what we've heard 25 from the community. From your expert opinion as a</p>

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<p>261</p> <p>1 land planner can you please testify regarding -- 2 MATTHEW LEAKAN: Sure. As a AICP 3 certified planner I feel qualified to talk about 4 land use and transportation as they are conjoined, 5 so to speak, and I can offer some anecdotal 6 expression to this classic land use debate. 7 And that is when I look at -- in my 8 career when I look at land use patterns such as 9 the single family neighborhood to the east you can 10 discern what the regulations, what the priorities 11 were of the code at the time that that subdivision 12 was created. For example, if you follow what I'm 13 saying -- 14 HEARING EXAMINER BYRNE: Uh-huh. 15 MATTHEW LEAKAN: -- those roads were 16 stubbed to this property, okay. That has always 17 meant to me to be intended to be a connection. 18 Otherwise, other public policy standards such as 19 cul-de-sac or cul-de-sacs would have been 20 implemented at the time to create the termination 21 necessary to achieve all the public health safety 22 welfare attributes associated with a, quote, 23 unquote, dead-end road, so the county has paper 24 rights of way all over the place. 25 In my experience and in other</p>	<p>263</p> <p>1 the ultimate irony here is if there's a perception 2 that there's a substandard or a nonstandard or a 3 poor condition today as it relates to either storm 4 water or traffic or whatever the ultimate solution 5 honestly is the catalyst before this body today 6 because with that application, yes, we can't 7 commit to a lot of things today because that's the 8 process, the LMA process. 9 We have to get through zoning first. 10 The APFO process is very thorough in Montgomery 11 County. It is very rigorous, and what I would 12 suggest is the solution to a lot of these problems 13 really lie in the adequate public facilities test 14 and a faithful sort of notion that those 15 catalysts, that money that keeps being talked 16 about is one example, are really the solution to 17 create the -- to solve those problems, and that's 18 sort of my anecdotal expression. 19 I see it all the time in communities 20 that come out and complain about traffic, but then 21 when you look at the neighborhoods there's one way 22 in and one way out, and had those connections been 23 made and had there been more faithful execution by 24 governmental regulatory bodies over time to make 25 those connections we probably wouldn't be in as</p>
<p>262</p> <p>1 jurisdictions this is a classic dilemma and a 2 classic debate, and it's a very difficult decision 3 obviously because of the customary use of those 4 properties on that dead-end street are sort of -- 5 they feel permanent but the reality is interparcel 6 connectivity as a public policy benefit goes way 7 beyond my career. 8 And, in fact, I think this subdivision 9 -- I don't know -- again this is why it's 10 anecdotal. I don't know the date of that 11 subdivision, but what I do know is at the time 12 there was an intent to connect those streets into 13 the larger system and you see it everywhere. 14 And the irony is, and this is another 15 thing that's hard for people to sort of grasp, is 16 multiple points of access, multiple points of 17 connectivity is an AICP policy, it's an APA 18 policy. It's an urban -- you go to any planning 19 agency or planning authority or planning 20 organization and they all will extol the virtues 21 of parcelling through connectivity as a relief to 22 traffic congestion, not as a cause of traffic 23 congestion, and I think we're hearing and seeing 24 kind of the mixture of those things. 25 And I'd like to just finally add that</p>	<p>264</p> <p>1 difficult sort of situations as they exist. 2 And that's why you see it in the master 3 plan. Park and planning has really grasped onto 4 this notion of parcel interconnectivity as an 5 absolute relief. You will find it in every sector 6 plan, White Flint being one of the greatest, 7 suburban, very congested, very dense. 8 HEARING EXAMINER BYRNE: I get it. 9 MATTHEW LEAKAN: You get it. 10 HEARING EXAMINER BYRNE: I get it. I 11 hear what you're saying. 12 MATTHEW LEAKAN: I'm sorry for -- 13 HEARING EXAMINER BYRNE: That's all 14 right. No, but I am going to ask you one 15 question. Have you seen where that connection was 16 not made specifically to limit an impact to a 17 neighboring community? 18 MATTHEW LEAKAN: Sure, I see it all the 19 time. 20 HEARING EXAMINER BYRNE: And when do 21 you usually see that happen, at what point in the 22 process? 23 MATTHEW LEAKAN: I can't really 24 speculate on that other than to say that the need 25 really is a partnership between what the</p>

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<p style="text-align: right;">265</p> <p>1 government needs, wants and/or feels is in the 2 public interest, and it's a policy decision 3 debate. 4 HEARING EXAMINER BYRNE: Okay. 5 MATTHEW LEAKAN: There's a lot of 6 priorities here that need to be -- 7 HEARING EXAMINER BYRNE: All right. I 8 said I was only going to ask you one question and 9 I asked you two. 10 MATTHEW LEAKAN: Sorry. 11 HEARING EXAMINER BYRNE: So we're good. 12 That's all right. Keep going. 13 ELIZABETH ROGERS: And I just -- I'll 14 follow up on that. In terms of the final 15 determination regarding the connection to Erskine 16 is that something that is set? At times we've 17 heard community testify regarding wanting it to be 18 potentially just for pets and bikes versus 19 vehicular and all this stuff. 20 Is that something that is set, to the 21 hearing examiner's question about process, and 22 when is the right time to have those weighing of 23 the policy objectives, at LMA or is that a 24 decision that is finalized at time of preliminary 25 plan?</p>	<p style="text-align: right;">267</p> <p>1 where the community had opportunities to provide 2 input on the recommendations that that sector plan 3 set forth? 4 MATTHEW LEAKAN: That's correct, and my 5 understanding is it took years from the inception 6 of the sector plan to its final adoption. It was 7 several years. I don't know the exact date, but I 8 know it was years. 9 ELIZABETH ROGERS: Thank you. And then 10 on school capacity I know you touched on this 11 earlier, but if you could for the record there was 12 some testimony given the overcapacity that the 13 three schools that this project will be served by 14 are at. Could you for the record state what the 15 current annual schools test shows is the capacity 16 for those three schools? 17 MATTHEW LEAKAN: Yes. So for the high 18 school John Kennedy current utilization of the 19 fiscal year 2024 school test is less than 98 20 percent. It's 97.8 percent. The middle school 21 test is at 94.4 percent, and Glenallan Elementary 22 is at 85.3 percent. 23 And what I would like to also add, and 24 this relates to schools as well as a lot of the 25 other comments that were made here, is I want to</p>
<p style="text-align: right;">266</p> <p>1 MATTHEW LEAKAN: Preliminary plan is 2 the logical place because you have a more firm 3 grasp of all of the facts that are asserted we 4 haven't developed. We will be truly more fully 5 developed so that everyone can go in and make a 6 more concerted logical and effective decision. 7 ELIZABETH ROGERS: And I know this was 8 on the record earlier, but the preliminary plan 9 process is a public hearing process before the 10 planning board? 11 MATTHEW LEAKAN: That's right. 12 ELIZABETH ROGERS: Okay. Just two 13 other questions on Erskine, just I want to make 14 sure it's clear on the record. You testified 15 earlier that the sector plan recommends this 16 connection. Is the sector plan process where that 17 recommendation came out of a very detailed and 18 lengthy process? 19 MATTHEW LEAKAN: Absolutely, done by 20 multiple divisions within park and planning assess 21 those kinds of tradeoffs. 22 ELIZABETH ROGERS: And does that sector 23 plan also -- did that sector plan which I know you 24 were intimately involved with have a robust, you 25 know, public engagement and community component</p>	<p style="text-align: right;">268</p> <p>1 remind everyone this is a phased development 2 project. We're not going to have 2,725 units 3 turned on like a light switch. This is a very 4 long and deliberate process with a lot of 5 government oversight, and I think that bears in 6 any decisionmaking process. 7 HEARING EXAMINER BYRNE: So what you're 8 saying is that as you do phase development say you 9 have 500 that go in, a school analysis is done. 10 Say you're going to put the next five in in five 11 years. A school analysis is again done at that 12 point, so if at any point the schools reach 13 capacity there's a possibility that the number of 14 units couldn't be developed? 15 MATTHEW LEAKAN: That and also the 16 actual improvements themselves. 17 HEARING EXAMINER BYRNE: Right. 18 MATTHEW LEAKAN: So again it's -- 19 HEARING EXAMINER BYRNE: So every 20 single time -- 21 MATTHEW LEAKAN: -- going to take many, 22 many years. I don't know how long we can project 23 out. It's going to be a factor of a lot of 24 things, market condition, a lot of things, but it 25 could easily be 10 years or more.</p>

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<p style="text-align: right;">269</p> <p>1 HEARING EXAMINER BYRNE: Okay. All 2 right. Thank you. 3 ELIZABETH ROGERS: And I guess one 4 final question for you, actually. I said that was 5 my last, but one final question is you testified 6 regarding the sector plan and kind of the -- what 7 it seeks to accomplish here and kind of 8 re-envisioning and transforming this area based on 9 kind of metro and wanting to make best use of the 10 public investment. 11 Can you just briefly describe how this 12 project accomplishes kind of implementing the 13 county -- county council's objective for Glenmont 14 through transformation while also then balancing 15 the need for compatible transitions, just a brief 16 summary, kind of what -- the balance of those two 17 in the project design? 18 MATTHEW LEAKAN: Well, as I said 19 earlier, yeah, there's metro there and so there's 20 a tremendous regional infrastructure element that 21 the county has multiple responsibilities, 22 fiduciary, social, quality of life, I heard that. 23 All of those things go into a strategic asset such 24 as that, and Montgomery County holds only a finite 25 number of those.</p>	<p style="text-align: right;">271</p> <p>1 ELIZABETH ROGERS: Okay. Thank you. 2 Thank you. Next we'll call Randall Rentfro back 3 up. Okay. Do you want to remind him about his 4 oath? 5 HEARING EXAMINER BYRNE: I do. You are 6 under oath. 7 RANDALL RENTFRO: Okay. I won't spell 8 my name this time. 9 ELIZABETH ROGERS: Thank you. Mr. 10 Rentfro, can you please -- there was some 11 testimony given regarding storm water 12 calculations, amount of rainfall and the loss of 13 trees impacting the amount of water coming off the 14 site. Can you just briefly, understanding we have 15 a limit on time, but briefly explain storm water 16 management and how the calculations are done? 17 RANDALL RENTFRO: Yes, I will 18 succinctly and admittedly oversimplify the 19 process. So what storm water management, the 20 current laws have you do is attempt to get the 21 property to function hydraulically as if there 22 were woods you could commission. 23 So via mathematical modeling and a 24 whole bunch of things that's far more complex than 25 I'm going to attempt to explain right now, there's</p>
<p style="text-align: right;">270</p> <p>1 And, in fact, Montgomery County has 2 doubled down and had made Georgia Avenue a bus 3 route to transit corridor as well for future 4 investment, and we're talking lots of money, 5 billions of dollars, okay, and so it absolutely is 6 a plain use policy debate, but clearly from a 7 Montgomery County perspective they consider that 8 to be a very high priority, the quality of life of 9 the residents to take off the traffic not just 10 necessarily on Glenallan or in Glenmont Sector 11 Plan, but from a countywide perspective it takes 12 off traffic and reduces pressure on the ag 13 reserve, for example. 14 Okay. So there's multiple other policy 15 objectives in play here, notwithstanding the 16 regional ones and economic competitiveness and you 17 name it. One thing is for sure, the metro is a 18 absolute committed to piece of infrastructure that 19 the county is trying to leverage and part of that 20 is putting people, jobs, and mixed use communities 21 at those locations and then subsequent to that the 22 benefit of the reward is all the things I just 23 talked about plus, you know, greater assessments 24 for the county to be able to fund future 25 improvements, for example.</p>	<p style="text-align: right;">272</p> <p>1 ultimately a storage capacity that you are 2 required to do through computations as required by 3 the state, and in doing those computations if the 4 existing condition today was proposed there would 5 need to be roughly 80,000 cubic feet of water 6 treated at historical property. That doesn't 7 exist right now. 8 What our application is doing, which I 9 heard the term 89 percent thrown around albeit I 10 don't think that was serious. The existing 11 impervious area is 40 percent and change. The 12 proposed impervious is roughly 54 percent, so 13 there is an increase. However, we are also 14 providing over 114,000 cubic feet of storage which 15 is required by law and by county code. 16 So that, in addition you see the 17 implementation of ESD and the best management 18 practices, and we have 63 facilities that we're 19 proposing on the property. Right now there is 20 zero. That is going to bring the property from 21 where it's at, which is not functioning under 22 storm water management criteria, to today's up and 23 consistent with code. 24 HEARING EXAMINER BYRNE: Okay. Thank 25 you. That's very helpful.</p>

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<p style="text-align: right;">273</p> <p>1 ELIZABETH ROGERS: Thank you. There 2 was community correspondence just regarding some 3 concerns about runoff during construction on the 4 property. 5 RANDALL RENTFRO: Yes. 6 ELIZABETH ROGERS: Can you touch on 7 that, please? 8 RANDALL RENTFRO: Yes. So as part of 9 the permit set, which is the last set, there is a 10 very complex sediment control plan in process 11 that's going to be reviewed and approved by the 12 department of permitting services. 13 As part of that process offsite 14 drainage via during water, et cetera, isn't all 15 out, so I can say without us having begun the 16 design that earth decks would be utilized along 17 the eastern edge to stop water from draining down 18 towards the neighbors and ultimately needing to be 19 controlled onsite. 20 ELIZABETH ROGERS: Thank you. Mr. 21 Takamoto's testimony indicated that the Glenmont 22 Forest Apartments project is causing storm water 23 problems on his project today. Do you stand by 24 your statements made earlier regarding the fact 25 that the developable areas on our property will</p>	<p style="text-align: right;">275</p> <p>1 right of way line everything would drain towards 2 the road and there would be a storm drain in the 3 appropriate infrastructure installed by the 4 applicant. 5 So water conveying to that point would 6 be doing so along the public right of way and 7 through storm drain pipes, so that's how the water 8 will end up in that location. 9 HEARING EXAMINER BYRNE: In that other 10 point? 11 RANDALL RENTFRO: Yes, in that point 12 that I did a very bad job of pointing to. 13 HEARING EXAMINER BYRNE: No, 14 understood, understood, and I know other point 15 isn't really clear either, so the -- 16 RANDALL RENTFRO: It's 7.2. 17 HEARING EXAMINER BYRNE: Thank you. 18 RANDALL RENTFRO: 7.2. 19 HEARING EXAMINER BYRNE: 7.2? 20 RANDALL RENTFRO: Yes. 21 ELIZABETH ROGERS: I guess the last 22 question -- 23 STEVEN ROBINS: I see Mr. Villegas, but 24 we're going to finish. 25 HEARING EXAMINER BYRNE: Oh, I'm glad I</p>
<p style="text-align: right;">274</p> <p>1 not be sending water offsite towards the homes on 2 Wallace? 3 RANDALL RENTFRO: I do, and that's 4 correct. 5 HEARING EXAMINER BYRNE: So developable 6 in that the future development will not be sending 7 water off onto his property? 8 RANDALL RENTFRO: The areas outside of 9 the forest and proposed forest widening will not 10 be sending any water towards his property. 11 HEARING EXAMINER BYRNE: Okay. 12 ELIZABETH ROGERS: And there was 13 another comment made during community testimony 14 regarding a concern about how water in that 15 drainage area map we were looking at earlier in 16 the yellow area, how the water was going to get to 17 that point two at the end of Erskine. 18 RANDALL RENTFRO: Correct. 19 ELIZABETH ROGERS: Can you please 20 provide some testimony that will clarify that? 21 RANDALL RENTFRO: Yes. So in the 22 proposed condition Erskine Avenue is a public road 23 that's improved. It's 60 feet wide, Ms. Randall 24 said that correctly, and in construction of that 25 the way that the road would be graded, at the</p>	<p style="text-align: right;">276</p> <p>1 was -- all right. Hang on. Mr. Villegas, did I 2 do that better, was it better? 3 (Laughter.) 4 HEARING EXAMINER BYRNE: Okay. We'll 5 go in a minute. 6 ELIZABETH ROGERS: I just want to 7 double -- you know, there was a lot of 8 correspondence and I understand that the process, 9 you know, if you're not familiar with it can be 10 confusing and lengthy regarding kind of the lack 11 of data and analysis -- or perceived lack of data 12 and analysis that the applicant has done at this 13 point. 14 RANDALL RENTFRO: Uh-huh. 15 ELIZABETH ROGERS: Can you put -- I 16 think you touched on this in your previous 17 testimony, but can you please confirm kind of the 18 -- where you are with the storm water management 19 concept plan, where you need to get it versus 20 where you are and the amount of collaboration that 21 you've already had with the department of 22 permitting services regarding that? 23 RANDALL RENTFRO: Certainly. So as per 24 the LMA requirements a storm water narrative or 25 storm water strategy is required. The storm water</p>

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<p style="text-align: right;">277</p> <p>1 concept is not that. It is a step beyond that. 2 It's a formal submittal to the department of 3 permitting services for ultimately the approval to 4 go to a preliminary plan. 5 There is a secondary step which is a 6 public process that we'll have downstream mailers 7 and an opportunity for public comment that goes 8 with site plan. And then last but not least there 9 is the permit step itself, so we are in step one 10 of three in terms of the approvals necessary to 11 obtain the necessary approvals. 12 ELIZABETH ROGERS: Okay. 13 HEARING EXAMINER BYRNE: Is that it for 14 Mr. -- 15 ELIZABETH ROGERS: Yes, that's it. 16 HEARING EXAMINER BYRNE: Mr. Villegas, 17 did you have a question? 18 LEOPOLDO VILLEGAS: Just a comment on 19 the previous speaker. I just went through the 20 Glenmont sector -- the plan and there's only one 21 mention of Erskine and Wallace on page 29. 22 There's no detailed information, nothing else in 23 the whole plan. That's all, thank you, and that's 24 it for the record. Thank you. 25 HEARING EXAMINER BYRNE: Thank you.</p>	<p style="text-align: right;">279</p> <p>1 STEVE ALLISON: Very good. 2 ELIZABETH ROGERS: So Mr. Allison, I 3 just wanted to clarify. There was some testimony 4 given regarding the impact to mature trees, and I 5 think some of the written correspondence may have 6 categorized that as forest, for the connection of 7 Erskine which is stubbed at the edge of the 8 property through the property. Can you confirm 9 will any forest be lost as a result of punching 10 Erskine through? 11 STEVE ALLISON: Yeah, the existing 12 forest ends south of where Erskine is cutting. 13 There is trees there but they are not legally -- 14 they don't have the same width or requirements 15 that would be actual forest. There are some 16 specimen trees that we are looking to save with 17 critical root zone cutting instead of that, but it 18 is not a forest that it would be cutting through. 19 ELIZABETH ROGERS: Is there -- I guess 20 let me just -- an open-ended question to you, is 21 there anything else that you'd like to add based 22 on the community correspondence that was given? 23 STEVE ALLISON: Yeah, I value bringing 24 up about the habitat. I think we have a great 25 opportunity. I mean, I understand where Erskine</p>
<p style="text-align: right;">278</p> <p>1 Okay. Let's keep -- we'll keep it going and we'll 2 start with our next witness. 3 ELIZABETH ROGERS: Mr. Allison. 4 HEARING EXAMINER BYRNE: And if you 5 wish to address that -- 6 STEVEN ROBINS: I was just going to -- 7 what's that? 8 HEARING EXAMINER BYRNE: If you want to 9 address it in the written statement that's fine, 10 too. 11 STEVEN ROBINS: Right. I mean, this -- 12 Mr. Villegas makes a comment that there's only one 13 mentioning of Erskine. It's the mentioning that 14 it should be -- the recommendation is to connect 15 Erskine. That's what it says in the plan. 16 HEARING EXAMINER BYRNE: Okay. 17 STEVEN ROBINS: This is a county 18 council document that has been vetted and approved 19 and that's what -- you know what the master plan 20 requirements are. 21 HEARING EXAMINER BYRNE: I do. I do. 22 Okay. This is our last witness, I think. 23 ELIZABETH ROGERS: Yes. 24 HEARING EXAMINER BYRNE: And you are 25 still under oath.</p>	<p style="text-align: right;">280</p> <p>1 is cutting through with the trees, but we're 2 adding 3.3 acres of reforestation on top of 200 -- 3 proposed potentially 290 specimen trees of 4 three-inch caliber and we're connecting more 5 contiguous forest to the stream valley, and I feel 6 like that's a benefit for the site and a benefit 7 for everything that planning is looking to do. 8 ELIZABETH ROGERS: Thank you very much. 9 HEARING EXAMINER BYRNE: I guess that 10 concludes I note the applicant's testimony, the 11 opposition testimony, and then the rebuttal. What 12 we're going to do is I'll leave the record open 13 for a written statement and closing statement. 14 I'm definitely going to leave the record open for 15 the court reporter for a minimum of 10 days. Do 16 you think two weeks or 21 days is sufficient for 17 you to do that because -- 18 STEVEN ROBINS: Twenty-one days is. 19 HEARING EXAMINER BYRNE: Twenty-one 20 days. So if I leave the record open for 21 days 21 before I close it to get your written statement 22 I'm going to allow Ms. Linda -- I'm blanking on 23 her last name now -- to give us that same E-mail 24 signed, so the document that will be provided. 25 And I would also ask that you address</p>

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<p style="text-align: right;">281</p> <p>1 the notice issue because we heard testimony from 2 witnesses that they didn't get notice, notice was 3 delayed, so if you could explain in that written 4 -- in that written statement how the list is 5 generated, how notice is provided. 6 I will say that I appreciate hearing 7 that feedback. For conditional uses we've always 8 sent them out 45 days. I don't know for whatever 9 reason, I guess we don't have -- LMAs don't come 10 through that often that we relied on the old -- 11 just the plain rule for 30 days, so we are 12 definitely instituting a 45-day mailing to give 13 that extra 15 days. 14 I mean, it's still not a lot of time 15 given the mail. I'll give you a side anecdote. 16 My daughter got married and 30 of her invitations 17 never got there, right, so we can't really count 18 on the U.S. mail as much as we would like to right 19 now. I heard the same thing from Ms. Jay, her son 20 is getting married and half of the save the dates 21 didn't get there, right. 22 So it's a problem that's a little 23 outside my control, but if we can try to get it 24 out ahead of time we'll definitely do that, but 25 what I'm asking the applicant to do is explain how</p>	<p style="text-align: right;">283</p> <p>1 the record? 2 HEARING EXAMINER BYRNE: Okay. I'm 3 fine, but definitely not sooner than 10 because I 4 need a minimum of 10 for the -- 5 STEVEN ROBINS: No, no, I understand. 6 HEARING EXAMINER BYRNE: -- court 7 reporter. 8 ELIZABETH ROGERS: The other thing I'd 9 want to make sure is clear that we're leaving the 10 record open for is the forest conservation plan 11 resolution. 12 HEARING EXAMINER BYRNE: Yes. 13 ELIZABETH ROGERS: Okay. 14 HEARING EXAMINER BYRNE: So the three 15 things we're leaving the record open for are, one, 16 court reporter transcript, two, written statement 17 from the applicant -- actually there's four 18 things. The third one is to get that signature 19 from Ms. Linda and then the fourth one is the 20 final resolution for the forest conservation, that 21 it's already been approved by the planning 22 commission board. 23 STEVEN ROBINS: Yes. 24 HEARING EXAMINER BYRNE: We just need 25 that final document, so we're waiting for those</p>
<p style="text-align: right;">282</p> <p>1 they get the list of people who get notice, how 2 it's sent and there's a posting requirement as 3 well. I see my hand raised. Go ahead. 4 LEOPOLDO VILLEGAS: Yes, just a 5 question. Would the rest of the neighborhood be 6 able to receive any notification, will we have any 7 time to react? There are many people here that 8 they don't know anything about it. 9 HEARING EXAMINER BYRNE: So no because 10 this is it, the hearing is closed and it's 11 concluded, but what I'm asking the applicant to do 12 is to explain in their written statement how who 13 gets notice is determined and how they send that 14 information out and then the list that we use to 15 send notices of hearing, so I'm asking them to 16 explain that as part of their written statement. 17 LEOPOLDO VILLEGAS: Thank you. 18 STEVEN ROBINS: The only thing I would 19 add to this is you asked for two weeks or 21 days. 20 HEARING EXAMINER BYRNE: Uh-huh. 21 STEVEN ROBINS: If we get our written 22 statement in sooner can we -- 23 HEARING EXAMINER BYRNE: Uh-huh. 24 STEVEN ROBINS: If we get it in sooner 25 than 21 days would you say then let's close off</p>	<p style="text-align: right;">284</p> <p>1 four things. 2 STEVEN ROBINS: Okay. 3 HEARING EXAMINER BYRNE: So the record 4 will remain open 21 days from this point. If I 5 get all of those documents before those 21 days 6 I'll mark that day when we receive the last 7 document as when the record closes. 8 At that point the record closes. I 9 have 45 days to write my report and recommendation 10 to the district council which is essentially the 11 county council, and I'm going to make sure that I 12 say this on the record. 13 So if any party aggrieves, any party of 14 record or aggrieved party of record within 10 days 15 after I issue a report and recommendation they may 16 file a written request to the district council to 17 present oral argument. So what will happen is I 18 will present my report and recommendation to the 19 district council. 20 There will be a public hearing. If 21 anyone who is a party of record is aggrieved or 22 any aggrieved party they can submit a request for 23 oral argument, but you have to send a copy of that 24 request for oral argument to all of the parties, 25 so please, please, please if you have not signed</p>

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<p style="text-align: right;">285</p> <p>1 up on that notice and you wish to be a party of 2 record please make sure that that's on that 3 sign-in sheet. 4 Now, I will say this: Ms. Vicki, you 5 made a statement -- I'm going to ask you a 6 question. You made a statement during your 7 testimony that you wished all of the people in 8 your community be parties of record. Like I can't 9 do that. 10 VICKI VERGAGNI: No, just the five 11 board members. 12 HEARING EXAMINER BYRNE: Just the five? 13 VICKI VERGAGNI: Yeah, those were 14 listed for you. 15 HEARING EXAMINER BYRNE: All right. 16 And they were listed on the letter? 17 VICKI VERGAGNI: Yes, they were, ma'am. 18 HEARING EXAMINER BYRNE: All right. 19 That -- I just wanted to get -- because when I 20 heard that I was like did she say there was 500 21 and some odd people and they all want to be 22 parties of record. 23 VICKI VERGAGNI: Well, they're living 24 there, yes. 25 HEARING EXAMINER BYRNE: Right, but I</p>	<p style="text-align: right;">287</p> <p>1 I don't have Jonathan Robbins, Dorothy 2 Hunt, Elizabeth Trevarrian and Jean Baptiste Yves 3 as essentially listed on here as submitting 4 anything requesting to be a party of record. I 5 need them to send an actual document with their 6 signature requesting that they are a party of 7 record. 8 VICKI VERGAGNI: Okay. 9 HEARING EXAMINER BYRNE: You I have -- 10 VICKI VERGAGNI: Yeah. 11 HEARING EXAMINER BYRNE: -- because 12 you've got this, you've participated, you have 13 this. If they wish to be parties of record I'm 14 going to open it up -- 15 VICKI VERGAGNI: Okay. 16 HEARING EXAMINER BYRNE: -- for four 17 more people. 18 VICKI VERGAGNI: Okay. 19 HEARING EXAMINER BYRNE: They need to 20 submit that via E-mail with their signature on 21 there. 22 VICKI VERGAGNI: Okay. Great. 23 HEARING EXAMINER BYRNE: I'll go ahead 24 and allow that because you did mention that and I 25 want to make sure that we have that.</p>
<p style="text-align: right;">286</p> <p>1 get that, but I was like I don't remember seeing 2 like 500 and something odd -- 3 RICHARD KAUFFUNGER: She doesn't have a 4 postage. 5 (Laughter.) 6 HEARING EXAMINER BYRNE: Okay. So the 7 five board members -- 8 VICKI VERGAGNI: Yeah. 9 HEARING EXAMINER BYRNE: -- that signed 10 on the -- so I have them -- 11 VICKI VERGAGNI: Yes. 12 HEARING EXAMINER BYRNE: All right, 13 already as -- 14 STEVEN ROBINS: Were they on her -- I 15 haven't seen her letter, so were they on there? 16 RICHARD KAUFFUNGER: At the very end. 17 HEARING EXAMINER BYRNE: Let's see, and 18 I want to say -- let's look at Exhibit -- 19 STEVEN ROBINS: Because you all have -- 20 as you know you have rules of procedure, too. 21 HEARING EXAMINER BYRNE: We do, and I 22 have to receive in writing from those individuals 23 if they wish to be parties of record. Now, I have 24 a list of signatories as -- let's see. Let me go 25 get your last -- before we finish this up. Okay.</p>	<p style="text-align: right;">288</p> <p>1 VICKI VERGAGNI: Okay. 2 HEARING EXAMINER BYRNE: All right. So 3 that needs to come in. 4 VICKI VERGAGNI: Yes, ma'am. 5 HEARING EXAMINER BYRNE: All right. 6 Yes. 7 STEVEN ROBINS: One last thing. In Mr. 8 Takamoto's -- I hope I'm pronouncing your last 9 name -- 10 RICHARD TAKAMOTO: That's right. 11 STEVEN ROBINS: Okay. Mr. Takamoto's 12 submission with the report from the engineering 13 firm I would like to note an objection -- 14 HEARING EXAMINER BYRNE: Okay. 15 STEVEN ROBINS: -- on the submission of 16 their report from an engineer who he subsequently 17 testified to the -- what it said in the report. 18 HEARING EXAMINER BYRNE: Uh-huh. 19 STEVEN ROBINS: We -- we can put that 20 in our -- we can put our reasons in our written 21 document to you. 22 HEARING EXAMINER BYRNE: Uh-huh. 23 STEVEN ROBINS: Certainly if it is 24 admitted it should be given the weight of what you 25 feel it's worth but not expert testimony.</p>

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289	1 HEARING EXAMINER BYRNE: Right. 2 Understood. I am going to admit it or I'm going 3 to accept it as a piece of evidence, but again I 4 will give it the weight that it deserves because I 5 didn't have specific testimony from that engineer. 6 I only have the paper on the face, and 7 I believe Ms. Behanna had a conversation with Mr. 8 Takamoto about that as well, that it would be -- 9 he paid for it, he submitted it, but because I 10 didn't have an opportunity to ask questions and 11 you didn't have an opportunity to ask questions -- 12 STEVEN ROBINS: We certainly didn't. 13 HEARING EXAMINER BYRNE: -- that it -- 14 you know, we'll take the information. 15 STEVEN ROBINS: Right. 16 HEARING EXAMINER BYRNE: But if you 17 could address and if you wish to address anything 18 against it, for it, in support of it, whatever in 19 your written statement then -- 20 STEVEN ROBINS: Well, certainly one of 21 the biggest issues to us is the weight that it's 22 given. I haven't even read it, so I haven't -- 23 HEARING EXAMINER BYRNE: Right. 24 STEVEN ROBINS: I've skimmed it. 25 HEARING EXAMINER BYRNE: Yeah, it's not	291	1 HEARING EXAMINER BYRNE: Please note 2 that anybody here, if you get notice late, if 3 maybe you come in and out a different way and you 4 don't necessarily see the sign we are open to 5 giving postponements because I think it's helpful 6 for you to have conversations with the applicant, 7 so it's -- you know, I'm absolutely open to that. 8 Okay? 9 STEVEN ROBINS: Thank you. 10 HEARING EXAMINER BYRNE: All right. 11 Well, I appreciate both of you skipping lunch and 12 staying a hundred percent. Thank you. Thank you 13 both so much. 14 ELIZABETH ROGERS: Thank you very much. 15 HEARING EXAMINER BYRNE: And with that 16 the record is closed and we are open for 21 days 17 now for the -- all of those reasons that I just 18 listed. 19 (Whereupon, the Administrative Hearing 20 was concluded at 3:30 p.m. EST.) 21 22 23 24 25
290	1 -- 2 STEVEN ROBINS: But the fact of the 3 matter is is that when you're typically submitting 4 something from someone who Mr. Takamoto tried to 5 testify about his credentials, or his or her 6 credentials -- 7 HEARING EXAMINER BYRNE: Uh-huh. 8 STEVEN ROBINS: -- that person is not 9 available in front of us to question, to cross, so 10 clearly should not be given the weight of an 11 expert and the value of that report is 12 questionable at best. 13 HEARING EXAMINER BYRNE: Understood. 14 RICHARD TAKAMOTO: Can I just say that 15 was part of my duty to delay this and give them 16 enough time to prepare. 17 HEARING EXAMINER BYRNE: And what I 18 will say is you could have asked for a 19 postponement. You could have asked for additional 20 time. We grant that on a regular basis when 21 notices go out and that -- I believe the posting 22 was up on the property for months and the date has 23 been set for months, so like that's part of it, 24 but if you felt that you needed more time we -- 25 RICHARD TAKAMOTO: Okay.	292	1 CERTIFICATE OF TRANSCRIBER 2 I, Bonnie K. Panek, do hereby certify 3 that the foregoing transcript is a true and 4 correct record of the recorded proceedings; that 5 said proceedings were transcribed to the best of 6 my ability from the audio recording and supporting 7 information; and that I am neither counsel for, 8 related to, nor employed by any of the parties to 9 this case and have no interest, financial or 10 otherwise, in its outcome. 11 12 <i>Bonnie K. Panek</i> 13 14 BONNIE K. PANEK 15 16 17 18 19 20 21 22 23 24 25

Transcript of Hearing
Conducted on June 14, 2024

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1 CERTIFICATE OF DIGITAL REPORTER - NOTARY PUBLIC

2 I, Jamie Ogihara, a Notary Public in and
3 for The District of Columbia, the officer before
4 whom the foregoing proceedings were taken, do
5 hereby certify that the foregoing transcript is a
6 true and correct record of the proceedings; that
7 said proceedings were recorded by me digitally and
8 thereafter reduced to typewriting under my
9 supervision; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 25th day
15 of June, 2024.

16 My commission expires: June 30, 2027

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20 NOTARY PUBLIC IN AND FOR

21 WASHINGTON, D.C.

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